

Federal Maritime Commission

For period covering October 1, 2020 to September 30, 2021

PART A
Department
or Agency
Identifying
Information

1. Agency

1. Federal Maritime Commission

1.a 2nd level reporting component

2. Address

2. 800 North Capitol Street, NW

3. City, State, Zip Code

3. Washington, DC 20753

4. Agency Code

5. FIPS code(s)

4. MC00

5. 0000

PART B
Total
Employment

1. Enter total number of permanent full-time and part-time employees

1. 111

2. Enter total number of temporary employees

2. 7

3. TOTAL EMPLOYMENT [add lines B 1 through 2]

4. 118

PART C

Title Type

Name

Title

Agency Official(s) Responsible
For Oversight of EEO
Program(s)

Head of Agency

Daniel Maffei

Chairman

Principal EEO Director/Official

Camella Woodham

EEO Director

For period covering October 1, 2020 to September 30, 2021

PART D List of Subordinate Components Covered in This Report	Subordinate Component and Location (City/State)	Country	Agency Code
EEOC FORMS and Documents	Required	Uploaded	
EEO Policy Statement	Y	Y	
Organization Chart	Y	Y	
Alternative Dispute Resolution Procedures	Y	Y	
Anti-Harassment Policy and Procedures	Y	Y	
Reasonable Accommodation Procedure	Y	Y	
Personal Assistance Services Procedures	Y	Y	
Agency Strategic Plan	Y	Y	
Disabled Veterans Affirmative Action Program (DVAAP) Report	N	N	
Diversity Policy Statement	N	N	
EEO Strategic Plan	N	N	
Federal Equal Opportunity Recruitment Program (FEORP) Report	N	N	
Human Capital Strategic Plan	N	N	
Results from most recent Federal Employee Viewpoint Survey or Annual Employee Survey	N	N	

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EXECUTIVE SUMMARY: MISSION

The Federal Maritime Commission (FMC, Commission or Agency) is an independent federal agency responsible for regulating the U.S. international ocean transportation system for the benefit of U.S. exporters, importers, and the U.S. consumer. The mission of the FMC is to ensure a competitive and reliable international ocean transportation supply system that supports the U.S. economy and protects the public from unfair and deceptive practices. The FMC ensures competitive and efficient ocean transportation services for the shipping public by:

- Reviewing and monitoring agreements among ocean common carriers and marine terminal operators (MTOs) serving the U.S. foreign oceanborne trades to ensure that they do not cause substantial increases in transportation costs or decreases in transportation services;
- Maintaining and reviewing confidentially filed service contracts and Non-Vessel-Operating Common Carrier (NVOCC) Service Arrangements to guard against detrimental effects to shipping;
- Providing a forum for exporters, importers, and other members of the shipping public to obtain relief from ocean shipping practices or disputes that impede the flow of commerce;
- Ensuring common carriers' tariff rates and charges are published in private, automated tariff systems and electronically available;
- Monitoring rates, charges, and rules of government-owned or –controlled carriers to ensure they are just and reasonable; and
- Taking action to address unfavorable conditions caused by foreign government or business practices in U.S. foreign shipping trades.

The FMC protects the public from financial harm, and contributes to the integrity and security of the U.S. supply chain and transportation system by:

- Helping resolve disputes involving shipment of cargo, personal or household goods, or disputes between cruise vessel operators and passengers;
- Investigating and ruling on complaints regarding rates, charges, classifications, and practices of common carriers, MTOs, and Ocean Transportation Intermediaries (OTIs), that violate the Shipping Act;
- Licensing shipping companies with appropriate character and adequate financial responsibility;
- Identifying and holding regulated entities accountable for mislabeling cargo shipped to or from the United States; and
- Ensuring that cruise lines maintain financial responsibility to pay claims for personal injury or death, and to reimburse passengers when their cruise fails to sail. The FMC is organized into bureaus and offices.

The FMC's Headquarters is located in Washington, D.C. (Headquarters). The Agency also has Regional Offices located throughout the country.

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EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

Essential Element A: Demonstrated Commitment from Commission Leadership

The FMC continues to demonstrate a culture that supports equal opportunity, diversity, inclusion and accessibility. Chairman Daniel Maffei articulated in the agency's annual policy statements, the agency's commitment to equal employment opportunity and a discrimination-free workplace and supported an inclusive environment that provides to all employees, individually and collectively, the chance to work to their full potential. Chairman Maffei's Equal Employment Opportunity Policy, dated May 5, 2021 states:

"The Federal Maritime Commission (FMC) reaffirms its commitment to equal opportunity in employment regardless of race, color, sex (including pregnancy, sexual orientation, and gender identity/stereotyping), national origin, religion, age (40 years and older), disability (physical and/or mental), genetic information, and/or for opposing discrimination or participating in the EEO process. The FMC will continue to provide a workplace that is free from all forms of discrimination, harassment, and retaliation, ensuring equal opportunity in all human capital and employment programs, management practices, and employment-based decisions."

The FMC policy adheres to EEOC guidance on establishing a model EEO program. The agency actively strives to continuously incorporate effective management, accountability, inclusiveness, self-assessment, and adaptivity to ensure that all employees enjoy a safe and effective workplace. As the FMC EEO and Diversity Policy statement makes clear:

"The FMC will continue to actively and consistently support and promote the principles of diversity and inclusion in order to guarantee an environment in which its employees are valued, treated with dignity and respect, and provided every chance to compete and contribute towards achieving their employment potential. The entire FMC community-executive leadership, supervisors, managers and staff will always be held accountable to maintain an environment with highest standards of diversity, inclusion, and equal employment opportunity."

FMC continues its support of individuals with disabilities. The agency continues to review its policies and procedures to ensure that individuals with disabilities have opportunities and access to all of the privileges and benefits of employment, including access to reasonable accommodations and personal assistance services, as they are needed. The FMC EEO and Diversity Policy states:

"In support of Executive Order 13548, "Increasing Federal Employment of Individuals with Disabilities," we will seek to strengthen our efforts to attract, hire, and retain individuals with disabilities through the use of special hiring authorities, and by providing reasonable accommodations to qualified individuals with disabilities upon request and as appropriate. The FMC is committed to providing equal employment opportunities to individuals with disabilities and ensuring that applicants for employment and existing employees with disabilities are treated with the same respect and fairness that every employee expects and deserves in the workplace."

To increase engagement and inclusion, FMC Leadership promoted, and actively participated in, special emphasis programs that occur throughout the year, including during Disability Employment Awareness month. In addition to encouraging employees to participate in the programs, FMC Leadership took an active role by introducing speakers and events and delivering remarks. The Commission regularly assesses and ensures EEO principles are part of its culture and has taken an integrated approach to identify opportunities to improve the recruitment/outreach, hiring, development and retention of women, minorities and individuals with disabilities. The FMC uses the Federal Employee Viewpoint Survey to monitor the perception of EEO principles within the workforce as part of the annual barrier analysis.

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EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

EEO policies and procedures are published on the FMC public website at [EEO Rights and Statistics](#) and on the FMC intranet.

Essential Element B: Integration of EEO into the Commission's Strategic Mission

The FMC's EEO programs are structured to maintain a workplace that is free from discrimination and support the agency's strategic mission. EEO is integrated into the agency mission and included in the FMC's Strategic Plan for Fiscal Years (FY) 2018 - 2022 and underscores the Commission's commitment to attract and retain a highly effective and diverse workforce. The Office of Equal Employment Opportunity supports the agency's strategic mission by advising and assisting the agency in carrying out its responsibilities relative to the Civil Rights Act of 1964, as amended (Title VII), the Rehabilitation Act of 1973, the Equal Pay Act of 1973, the Age Discrimination in Employment Act of 1967, and the Genetic Information Nondiscrimination Act of 2008 (GINA), as well as executive orders, and regulatory guidelines implementing affirmative employment and the processing of EEO complaints. The strategic plan includes the following language:

Administrative Strategies in Support of Agency Objectives: "The FMC is committed to the principles of diversity and the implementation of policies and objectives to enhance the Commission's workforce. The Commission's Office of Equal Employment Opportunity (OEEEO), along with senior leaders, effectively carries out this commitment."

The reporting structure for the EEO program provides the principal EEO official with appropriate authority and access to resources to effectively carry out a successful EEO program. The EEO Director controls all aspects of the EEO program, is consulted on management and personnel actions, and involves managers in the implementation of its EEO program.

Essential Element C: Management and Program Accountability

The FMC OEEEO advises managers/supervisors on EEO matters and effectively coordinates with the Office of Human Resources (OHR).

During FY 2021, the FMC posted EEO complaint processing data on its public website. Consistent with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), the FMC delivered No FEAR Act training to its new employees, and informed new employees of their rights and remedies under antidiscrimination laws and whistle-blower protection laws within 90 days of their appointment.

The Commission evaluates managers and supervisors on their efforts to ensure equal employment opportunity. Rating officials evaluate the performance of supervisors and managers based on EEO elements. The FMC Performance Assessments (Form 27A/B) used by all employees, includes a critical element covering professional behavior and interpersonal skills (Element 4). To obtain a satisfactory rating (level 3), the employee must "display respect, courtesy and tact during interactions with people within as well as outside the FMC; collaborate as a team player; and,

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EXECUTIVE SUMMARY: ESSENTIAL ELEMENT A-F

demonstrate adherence to EEO and diversity principles.”

The FMC has established policies and procedures to prevent all forms of EEO discrimination. The agency ensured compliant reasonable accommodation procedures and processed requests for reasonable accommodations following the requirements of the Final Rule amending 29 CFR Part 1614.203 titled Affirmative Action for Individuals With Disabilities in Federal Employment (applicable as of January 3, 2018) and the requirements of the Rehabilitation Act of 1973 and the ADA Amendments Act of 2008 (ADAAA).

As required by the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020, as well as EEOC regulations and directives, the EEO Director is under the direct supervision of the Chairman of the Commission.

OEEEO also leveraged the talents of three FMC employees who, in addition to performing their primary duties and responsibilities, volunteered to serve as EEO Counselors in a collateral duty capacity. In FY 2021, collateral duty EEO Counselors attended their mandatory eight-hour refresher course training delivered by experts from the EEOC, as well as other trainings to enhance their skills.

Essential Element D: Proactive Prevention of Unlawful Discrimination

The FMC takes early measures to prevent discrimination and to identify and eliminate barriers to equal employment opportunity. Internal policies are reviewed on an annual basis and continuously throughout the year to ensure fairness and clarity in all FMC operations.

The FMC reviews informal complaint activity as an indicator of FMC's proactive measures. During FY 2021, the FMC processed two (2) complaints in the informal stage. The FMC's informal EEO complaint activity, measured as the number of informal counseling contacts as a percentage of the total workforce, was .017% in FY 2021. This is slightly higher than the government-wide measure of informal complaint activity of .012% and below the informal complaint activity reported for 2019. (Source: *Annual Report on the Federal Work Force Fiscal Year 2019*.)

During the final month of FY 2021, the OEEEO onboarded a new EEO Director and lead for DEIA initiatives within the agency. The EEO Director works collaterally across two independent agencies and draws on support of each agency's Office of the Chairman, Office of Human Resources and other agency managers to proactively address emerging issues in the workplace.

To increase employee engagement and inclusion, the FMC created a Diversity Council, which includes employees from various offices, to inform barrier analysis, spread diversity awareness and to provide feedback on the FMC's diversity and inclusion programs. During FY 2021, the Council provided assistance in delivering the agency's Special Emphasis program educational events and activities designed to improve cultural awareness, debunk stereotypes and recognize the contributions and achievements of diverse groups represented in our workforce.

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As part of its proactive prevention efforts, the FMC disseminates EEO policies covering harassment prevention, workplace violence, and personal assistance services to all personnel. The FMC also publishes information on the EEO complaint process, EEO policies, and the roles and responsibilities of OEEEO on its internal and public websites. EEO posters are placed in high-traffic areas on FMC floors to provide employees and applicants for employment with notice of their EEO rights and to highlight the 45-day time limit for contacting an EEO Counselor or OEEEO. New employees are required to take the No FEAR Act training course within 90 days of onboarding and each new employee is briefed on the EEO program and their EEO related rights and responsibilities as an agency employee.

The FMC's offices are accessible to persons with physical disabilities in compliance with the Architectural Barriers Act (ABA) and an agency employee has been assigned to oversee compliance with the requirements of the ABA, as well as physical accessibility under the Americans with Disabilities Act/Rehabilitation Act.

Essential Element E: Efficiency

The Chairman continues to ensure that OEEEO has sufficient staffing, funding and authority to support the EEO process and Diversity and Inclusion initiatives. The FMC continues to maintain an efficient, fair, and impartial complaint resolution process and in FY 2021 processed 100% of complaint actions within the timeframes defined in EEOC regulations for processing EEO complaints. The agency has established a fair alternative dispute resolution (ADR) program and applies this program to resolve issues at the earliest stage possible. In FY 2021, the OEEEO timely processed two counselings, timely investigated two formal complaints, and successfully conducted ADR in one case.

The FMC's OEEEO has an effective and accurate data collection process in place to evaluate its EEO program and to identify significant trends and best practices. One of these best practices is the use of high-quality contractor support for EEO investigations. The use of quality contractor support with extensive experience in EEO complaint processing is cost beneficial and ensures that quality work product is consistently delivered. Using internal due dates more aggressive than MD-110 requirements ensures all case actions are timely processed.

Essential Element F: Responsiveness and Legal Compliance

The FMC has conducted an annual self-assessment against the essential elements prescribed by the EEOC's MD-715. As part of this assessment, FMC analyzed its workforce profiles to identify any triggers that may require further inquiry as to the existence of barriers to equal employment opportunities for any employee group based on race/ethnicity, sex, or disability. Where the FMC found non-compliance with the MD-715 requirements, the FMC developed a plan for addressing the gaps with assistance from management.

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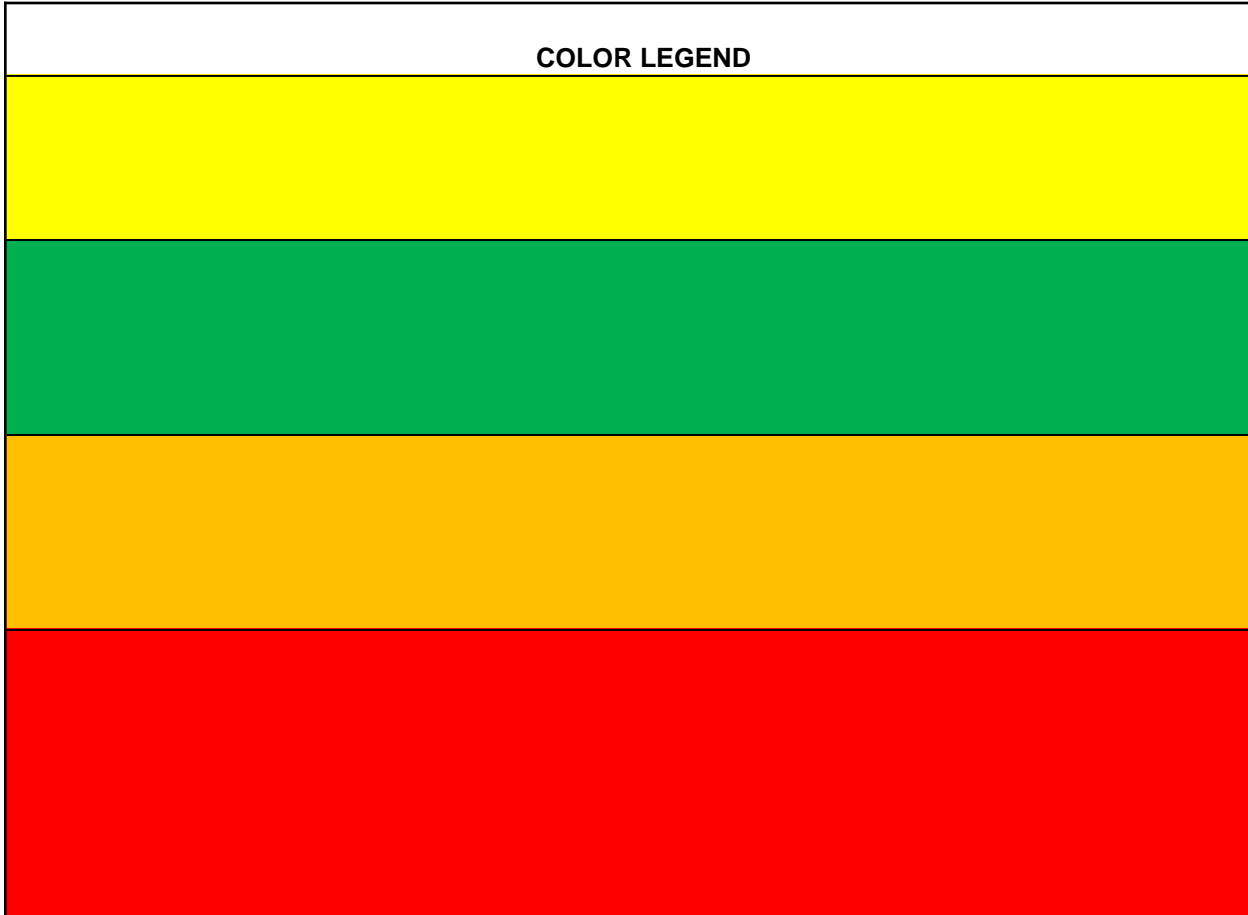
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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

FMC Workforce

At the end of FY 2021, the FMC had 118 full-time employees, 111 of the staff were permanent and 7 were temporary. Of the 118 total full-time employees, there were 59 (50.0%) males and 59 (50.0%) females. FMC staff is comprised of 37.3% direct mission staff (Attorneys, Economists, Transportation Specialists, Transportation Industry Analysts, and miscellaneous administration and program specialists) and 62.7% management and support staff to accomplish the strategic goals set forth in the Commission's Strategic Plan. Most Commission staff are analytical professionals with strong academic records, advanced degrees, and specialized skills in law and transportation industries.

COLOR LEGEND



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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

The following charts shows FMC workforce distribution over past 4 years:

Race/Ethnicity	2014-2018 CLF %	FY 2021	FY 2020	FY 2019	FY 2018
Hispanic or Latino Male	6.82%	1.69%	0.9%	0.9%	1.8%
Hispanic or Latino Female	6.16%	3.39%	2.6%	2.6%	4.5%
White Male	35.65%	35.59%	36.8%	35.1%	35.1%
White Female	31.82%	22.8%	21.1%	21.9%	21.6%
Black or African American Male	5.7%	9.32%	9.7%	11.4%	9.9%
Black or African American Female	6.61%	19.49%	19.3%	18.4%	20.7%
Asian Male	2.19%	3.39%	2.6%	2.6%	2.7%
Asian Female	2.18%	3.39%	3.5%	3.5%	2.7%
Native Hawaiian/Other Pacific Islander Male	0.08%	0.0%	0.0%	0.0%	0.0%
Native Hawaiian/Other Pacific Islander Female	0.08%	0.0%	0.0%	0.0%	0.0%
American Indian/Alaska Native Male	0.31%	0.0%	0.9%	0.9%	0.9%
American Indian/Alaska Native Female	0.31%	0.0%	0.0%	0.0%	0.0%
Two or More Races Male	1.05%	0.0%	0.9%	0.9%	0.9%
Two or More Races Female	1.05%	0.0%	1.8%	1.8%	0.9%

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The U.S. Office of Personnel Management (OPM) has established a workforce participation rate goal of 12% for persons with disabilities (PWD) and 2% for persons with targeted disabilities (PWTD). There are twelve targeted disabilities: developmental, traumatic brain injury, deaf or serious difficulty hearing, blind or serious difficulty seeing, missing extremities, significant mobility impairment, partial or complete paralysis, epilepsy or other seizure disorders, intellectual, significant psychiatric disorder, dwarfism, and significant disfigurement. In addition, OPM's guidance, issued pursuant to Executive Order 13548, requires federal agencies to establish Disability Employment Plans consistent with the federal government goal of hiring 100,000 additional individuals with disabilities, including those with targeted disabilities.

The following provides a summary of representation within the FMC's permanent workforce compared to the OPM/EEOC's goals for PWD/PWTD:

EEO Group	OPM Goal %	FY	FY 2020	FY 2019	FY 2018
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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

		2021			
No Disability		77.12%	83.3%	86.8%	87.8%
Not Identified		9.32%	5.3%	1.8%	1.7%
Disability	12%	13.56%	11.4%	11.2%	10.4%
Targeted Disability	2%	3.39%	3.5%	3.5%	4.4%

PWD has steadily increased since FY 2019 and is 1.56% over the established 12% goal. PWTD slightly dropped due from FY 2020 but remains 1.39% over the OPM/EEOC 2.0% goal for PWTD.

Applicant Flow for New Hires

Applicant flow data is provided to the Commission by the OPM. This data is available through the OPM's USA Staffing tool only for FMC jobs that were posted on USAJOBS. The FMC uses USAJOBS for all hiring actions.

A few important notes about applicant flow data help to facilitate interpretation. First, applicants are not required to provide demographic information when applying for a position.

Second, the USA Staffing tool captures and provides information only through the point at which an applicant is selected. Various hiring process steps beyond a selection decision may impact success in onboarding a new hire (e.g., suitability assessment). Applicant data only shows applicant flow data of *selected* applicants. In contrast, it does not show present data on new hires on-boarded during the year. Differences are observed in the demographic statistics of those selected versus those hired.

Third, applicant flow data for the FMC combines applications submitted for permanent and temporary positions with the FMC. Thus, the data tables below reflect the pool of applications submitted for permanent and/or temporary employment.

The applicant flow data provided by the OPM was analyzed for three of the six major occupations at the FMC: economists, program management, and attorneys. Below are the highlights of this analysis.

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Economist (0110): 103 Total Applicants

In FY 2021, the FMC received 103 applications for the economist position(s) advertised. Of the 103 applicants, 37 (35.92%) were rated as qualified and five selections were made. The following are the demographics of the applicants who were qualified, referred, and/or selected for the position

EEO Group	Qualified Applicants (37 Applicants)	Referred Applicants (37 Applicants)	Selected (5 Applicants)
Hispanic of Latino Male	5 (13.51%)	5 (13.51%)	1 (20.0%)
Hispanic or Latino Female	2 (5.41%)	2 (5.41%)	0 (0.0%)
White Male	9 (24.32%)	9 (24.32%)	2 (40.0%)
Black or African American Male	4 (10.81%)	4 (10.81%)	0 (0.0%)
Asian Male	2 (5.41%)	2 (5.41%)	0 (0.0%)
Sex and/or Race, Ethnicity Omitted	15 (40.54%)	15 (40.54%)	2 (40.0%)
Disability	2 (5.41%)	2 (5.41%)	0 (0.0%)
No Disability	8 (21.62%)	8 (21.62%)	1 (20.0%)
Not Identified	27 (72.97%)	27 (72.97%)	4 (80.0%)

Program Management (0340): 43 Total Applications

The FMC received 43 total applications for the program management position. Of the 43 applicants, 18 (41.86%) were listed as qualified and one selection was made. The following are the demographics of the applicants who applied.

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EEO Group	Qualified Applicants (18 Applicants)	Referred Applicants (18 Applicants)	Selected (1 Applicant)
Hispanic of Latino Male	1 (5.56%)	1 (5.56%)	0 (0.0%)
Hispanic or Latino Female	1 (5.56%)	1 (5.56%)	0 (0.0%)
White Male	2 (11.11%)	2 (11.11%)	1 (100.0%)
White Female	2 (11.11%)	2 (11.11%)	0 (0.0%)
Black or African American Male	4 (22.22%)	4 (22.22%)	0 (0.0%)
Asian Male	2 (11.11%)	2 (11.11%)	0 (0.0%)
Asian Female	1 (5.56%)	1 (5.56%)	0 (0.0%)
American Indian or Alaska Native Female	1 (5.56%)	1 (5.56%)	0 (0.0%)
Sex and/or Race, Ethnicity Omitted	4 (22.22%)	4 (22.22%)	0 (0.0%)
Disability	0 (0.0%)	0 (0.0%)	0 (0.0%)
No Disability	3 (16.67%)	3 (16.67%)	1 (100.0%)
Not Identified	15 (83.33%)	15 (83.33%)	0 (0.0%)

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

General Attorney (0905): 372 Total Applications

The FMC received 372 total applications for general attorney positions. Of the 372 applications, 343 (92.20%) were listed as qualified and six selections were made. The following are the demographics of the qualified applicants.

EEO Group	Qualified Applicants (343 Applicants)	Referred Applicants (343 Applicants)	Selected (6 Applicants)
Hispanic of Latino Male	16 (4.66%)	16 (4.66%)	0 (0.0%)
Hispanic or Latino Female	8 (2.33%)	8 (2.33%)	1 (16.67%)
White Male	101 (29.45%)	101 (29.45%)	1 (16.67%)
White Female	44 (12.83%)	44 (12.83%)	1 (16.67%)
Black or African American Male	11 (3.21%)	11 (3.21%)	0 (0.0%)
Black or African American Female	13 (3.79%)	13 (3.79%)	0 (0.0%)
Asian Male	10 (2.92%)	10 (2.92%)	0 (0.0%)
Asian Female	7 (2.04%)	7 (2.04%)	1 (25.0%)
Sex and/or Race, Ethnicity Omitted	133 (38.78%)	133 (38.78%)	2 (33.33%)
Disability	16 (4.66%)	16 (4.66%)	0 (0.0%)

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No Disability	84 (24.49%)	84 (24.49%)	3 (50.0%)
Not Identified	243 (70.85%)	243 (70.85%)	3 (50.0%)

Applicant Flow Data for Persons with Disabilities/Targeted Disability

The FMC received a total of 1458 total applications for all advertised positions in FY 2021. Of those applications, 133 (9.12%) applicants self-identified as having a disability. Of the 20 overall new hire permanent selections, zero (0.0%) new hires self-identified as having a disability. In exploring this trigger, FMC will review recruiting sources and continue to encourage hiring managers' use of Schedule A hiring authority. The Schedule A hiring authority and the FMC's reasonable accommodation/personal assistance services policy were detailed in each vacancy announcement. Below is a breakdown of applicant data for PWD/ PWTB.

EEO Group	Number/ Percentage: Total (1458 Applicants)	Number/ Percentage: Qualified (912 Applicants)	Number/ Percentage: Referred (772 Applicants)	Number/ Percentage: Selected (20 Applicants)
No Disability	279(19.1%)	169 (18.53%)	136 (17.61%)	5 (25.0%)
Not Identified	1046 (71.8%)	662 (72.59%)	563 (72.93%)	15 (75.0%)
Disability	133 (9.12%)	81 (8.88%)	73 (9.45%)	0 (0.0%)
Targeted Disability	41 (2.81%)	25 (2.74%)	25 (3.24%)	0 (0.0%)

New Hires

In FY 2021, the FMC hired 16 new permanent employees, seven (43.75%) males and nine (56.25%) females. The following table reflects demographic information for the FY 2021 new hires:

Permanent
Employees

Hispanic

White

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Total		M	F	M
New Hires	#	16		
		0	1	6
	%	100		
		0.0%	6.25%	37.50%
2014-2018 CLF	%	100		
		6.82%	6.16%	35.65%

The FMC's Disability Employment Plan established the hiring goal of increasing the overall total workforce of individuals with disabilities/targeted disabilities by 1% each year for the next 5 years. In FY 2021, three (18.75%) new hires self-identified as having a disability. One (6.25%) self-identified as having a targeted disability.

Participation Rates for FMC Major Occupations

Major occupations at the FMC include attorneys (0905 Series), economists and data analysts (0110, 1101, and 2110 Series) and management professionals (0301 Series). The remaining occupations at the FMC are filled by across 16 occupational series: none of these 16 series individually represent more than 10% of the FMC workforce.

Attorneys (0905 Series) across the FMC's divisions and offices provide advice and recommendations to the Commission on legal and policy matters related to the Commission's responsibilities; provide advice to the Chairman and Commissioners on legal matters concerning adjudicatory and investigative proceedings; and prepare final decisions, orders and regulations for Commission approval and issuance.

Economists and Data Analysts (0110, 2101, and 2110 Series) review agreements and monitor the concerted activities of ocean common carriers and marine terminal operators under the standards of the Shipping Act of 1984. Economists also analyze the economic effect of various Commission and industry actions and events, evaluate policy issues, and advise the Commission accordingly.

Miscellaneous Administration and Program Specialists (0301 Series) are responsible for the Passenger Vessel Certification, Ocean Transportation Intermediary, and Agreement programs, represent the Commission as local contacts for the maritime industry and the shipping public, collect and analyze information of regulatory significance, provide monitoring and investigative functions, and assess industry conditions. These individuals use the working title of area representative and industry analyst.

The charts below reflect the participation rate for mission critical occupations (MCOs): attorneys, economists, transportation specialists, government information specialists, program management, and miscellaneous administrative/program specialists.

0905, General Attorney

EEO Group

2014-2018

FY 2021 FMC %

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	OCLEF %	
Hispanic or Latino Male	3.1%	0.0%
Hispanic or Latino Female	2.5%	4.5%
White Male	54.7%	36.36%
White Female	28.5%	36.36%
Black or African American Male	2.2%	0.0%
Black or African American Female	3.0%	4.55%
Asian Male	1.9%	9.09%
Asian Female	2.1%	4.55%
Native Hawaiian/Other Pacific Islander Male	0.0%	0.0%
Native Hawaiian/Other Pacific Islander Female	0.0%	0.0%
American Indian/Alaska Native Male	0.1%	0.0%
American Indian/Alaska Native Female	0.1%	0.0%
Two or More Races Male	0.9%	0.0%
Two or More Races Female	0.8%	0.0%
No Disability		77.27%
Not Identified		18.18%
Disability	12.0%	4.55%
Targeted Disability	2.0%	0.0%

Within the 0905 series, overall Hispanic (0.0%), White (36.36%), and Black (0.0%) males participate below the Occupational CLF.

0110, Economist

EEO Group

2014-2018

FY 2021 FMC %

OCLEF %

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Hispanic or Latino Male	5.3%	10.0%
Hispanic or Latino Female	2.0%	0.0%
White Male	52.3%	70.0%
White Female	24.1%	10.0%
Black or African American Male	3.9%	0.0%
Black or African American Female	1.7%	0.0%
Asian Male	5.1%	0.0%
Asian Female	3.0%	10.0%
American Indian/Alaska Native Male	0.1%	0.0%
American Indian/Alaska Native Female	0.3%	0.0%
Two or More Races Male	1.2%	0.0%
Two or More Races Female	0.9%	0.0%
No Disability		90.0%
Not Identified		20.0%
Disability	12.0%	0.0%
Targeted Disability	2.0%	0.0%

Within the 0110 series, all females fall below the Occupational CLF (OCLF), and Asian males have the lowest participation rate compared to the OCLF%. Black males/females and Hispanic females also fall below the Occupational CLF.

0301, Miscellaneous Administration and Program Specialist

EEO Group	2014-2018	FY 2021 FMC %
	OCLF %	
	4.4%	
Hispanic or Latino Male		3.03%

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Hispanic or Latino Female	5.5%	6.06%
White Male	32.5%	33.33%
White Female	36.4%	18.18%
Black or African American Male	4.0%	9.09%
Black or African American Female	7.2%	18.18%
Asian Male	3.5%	6.06%
Asian Female	3.5%	6.06%
American Indian/Alaska Native Male	0.2%	0.0%
American Indian/Alaska Native Female	0.3%	0.0%
Two or More Races Male	0.9%	0.0%
Two or More Races Female	1.3%	0.0%
No Disability		69.70%
Not Identified		6.06%
Disability	12.0%	24.24%

Federal Maritime Commission

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Targeted Disability

2.0%

12.12%

2101, Transportation Specialist

FY 2021

EEO Group

2014-2018

FMC %

OCLE %

Hispanic or Latino Male

4.4%

0.0%

Hispanic or Latino Female

5.5%

0.0%

White Male

32.5%

33.33%

White Female

36.4%

33.33%

Black or African American Male

4.0%

33.33%

Black or African American Female

7.2%

0.0%

Asian Male

3.5%

0.0%

Asian Female

3.5%

0.0%

Native Hawaiian/Other Pacific Islander Female

0.1%

0.0%

American Indian/Alaska Native Male

0.2%

0.0%

American Indian/Alaska Native Female

0.3%

0.0%

Two or More Races Male

0.9%

0.0%

Two or More Races Female

1.3%

0.0%

No Disability

100.0%

Not Identified

0.0%

Disability

12.0%

0.0%

Targeted Disability

2.0%

0.0%

Federal Maritime Commission

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

0306, Government Information Specialist		
EEO Group	2014-2018 OCLF %	FY 2021 FMC %
Hispanic or Latino Male	4.4%	0.0%
Hispanic or Latino Female	5.5%	0.0%
White Male	32.5%	50.0%
White Female	36.4%	50.0%
Black or African American Male	4.0%	0.0%
Black or African American Female	7.2%	0.0%
Asian Male	3.5%	0.0%
Asian Female	3.5%	0.0%
American Indian/Alaska Native Male	0.2%	0.0%
American Indian/Alaska Native Female	0.3%	0.0%
Two or More Races Male	0.9%	0.0%

Federal Maritime Commission

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Two or More Races Female	1.3%	0.0%
No Disability		0.0%
Not Identified		0.0%
Disability	12.0%	0.0%
Targeted Disability	2.0%	0.0%

0340, Program Management

EEO Group	2014-2018 OCLF %	FY 2021 FMC %
Hispanic or Latino Male	5.6%	0.0%
Hispanic or Latino Female	3.1%	20.0%
White Male	51.4%	40.0%
White Female	25.6%	20.0%
Black or African American Male	3.8%	0.0%
	3.4%	20.0%

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Black or African American Female		
Asian Male	2.8%	0.0%
Asian Female	1.9%	0.0%
American Indian/Alaska Native Male	0.3%	0.0%
American Indian/Alaska Native Female	0.2%	0.0%
Two or More Races Male	1.0%	0.0%
Two or More Races Female	0.8%	0.0%
No Disability		0.0%
Not Identified		20.0%
Disability	12.0%	0.0%
Targeted Disability	2.0%	0.0%

Career Ladder Promotions

A review of the FMC's non-competitive promotions reflects that of the 111 permanent employees, 11 employees were eligible for promotion. Ten employees (9%) of the permanent workforce were promoted. Of those 10 employees: 6 males (60%) and 4 females (40%) – received a career ladder promotion. As compared against the 11 eligible for promotion, the demographics for those promotions are:

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Eleven (11) Employees Eligible for Career Ladder Promotion

Ten (10) Career Ladder Promotions Granted

EEO Group	#	%
Hispanic or Latino Male	1	9%
Hispanic or Latino Female	0	0%
White Male	4	36%
White Female	3	27%
Black or African American Male	0	0%
Black or African American Female	1	9%
Asian Male	1	9%
Asian Female	0	0%
American Indian/Alaska Native Male	0	0%
American Indian/Alaska Native Female	0	0%
Two or More Races Male	0	0%

Federal Maritime Commission

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Two or More Races Female

5 45%

No Disability

1 9%

Not Identified

2 18%

Disability

0 0%

Targeted Disability

Federal Maritime Commission

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

Separations

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EXECUTIVE SUMMARY: WORKFORCE ANALYSES

In FY 2021, the FMC had a separation rate of 9.65% of its total workforce. This is a decrease of 1.75% from FY 2020. Of the eleven (11) total separations, ten were voluntary and one was due to removal. Two males (one White and one Black) separated via resignation. One male (White) and four females (two White, 1 Black, and one Hispanic or Latino) retired. Two males (both White) and one female (Black) separated for other reasons. One male (White) separated via removal. Of the eleven total separations, one person identified as a PWD and ten did not.

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EXECUTIVE SUMMARY: ACCOMPLISHMENTS

Action Plans Implemented

In FY 2021, the FMC achieved several accomplishments in the areas of EEO, Diversity and Inclusion, and Leadership Development, including, but not limited to, the accomplishments listed below.

Leadership Commitment to EEO

All managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program. Per the FMC's [Commission Order 115](#) (CO-115), *Performance Management System Non-SES*, the following performance standard language is provided:

"Respectful working relationships are maintained with co-workers, supervisors, and other contacts. Supports agency equal employment opportunity (EEO) and Diversity, Equity, Inclusion, and Accessibility (DEIA) policies. Ensures EEO and DEIA principles are adhered to throughout the organization."

Additionally, the FMC's [Commission Order 120](#), *Senior Executive Service Performance Management System* requires all SES at the FMC to be rated on the following performance Element:

Critical Element 2: Leading People. Designs and implements strategies that maximize employee potential, connects the organization horizontally and vertically, and fosters high ethical standards in meeting the organization's vision, mission, and goals. Provides an inclusive workplace that fosters the development of others to their full potential; allows for full participation by all employees; facilitates collaboration, cooperation, and teamwork, and supports constructive resolution of conflicts. Ensures employee performance plans are aligned with the organization's mission and goals, that employees receive constructive feedback, and that employees are realistically appraised against clearly defined and communicated performance standards. Holds employees accountable for appropriate levels of performance and conduct. Seeks and considers employee input. Recruits, retains, and develops the talent needed to achieve a high quality, diverse workforce that reflects the nation, with the skills needed to accomplish organizational performance objectives while supporting workforce diversity, workplace inclusion, and equal employment policies and programs.

Periodic Training for Supervisors and Hiring Officials Related to the Hiring, Promotion, and Reasonable Accommodation of Individuals with Disabilities

The FMC provided training to all managers through the OPM's HR University Training on Schedule A hiring authority and Reasonable Accommodation (RA) to ensure their awareness of their role in hiring and retaining employees with temporary or permanent disabilities.

The FMC will continue to provide training to supervisors and hiring officials to ensure that they are aware of their responsibilities regarding hiring and supervising employees with disabilities. The training will cover restrictions on questions related to medical information, Schedule A hiring authorities, the FMC's disability accommodation procedures/personal assistance services, overlap between the Family Medical Leave Act and the Rehabilitation Act of 1973, and confidentiality requirements.

The Office of Human Resources encouraged managers to take affirmative steps to recruit, hire, train, and promote employees from diverse backgrounds.

Accommodating Individuals with Disabilities

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EXECUTIVE SUMMARY: ACCOMPLISHMENTS

During FY 2021, FMC instituted a review of EEO policies including the Reasonable Accommodation and Personal Assistance Services policy. This policy was marked for update in FY 2022.

FMC posts reasonable accommodation procedures on its intranet and internet sites. All employees are made aware of the procedures and their rights concerning reasonable accommodation requests. FMC processes all accommodation requests within the time frame set forth in its reasonable accommodation procedures.

Outreach, Recruitment and Retention of Diverse Talent

In 2021, FMC took several affirmative steps to seek diversity in the workforce by:

- Engaging FMC staff from bureaus and offices across the Commission in workforce special observance efforts;
- Partnering with professional associations, educational organizations, and institutions to inform diverse professionals and students about FMC career and internship opportunities;
- Offering trainings/events to enhance workforce diversity and inclusion at the FMC;
- Offering college tuition reimbursement to all staff; and
- Continuing to offer Exit Interviews to seek information on why an employee is leaving the Commission.

Employee Engagement

All employees are encouraged to participate in special observance events at the FMC. Office Managers serve as "Senior Sponsors" for each event. In addition to promoting employee engagement, this encourages management participation in these observances as well as sends a message of leadership commitment to equity and inclusion.

The FMC's special emphasis programs have been well received and have promoted engagement in the virtual environment.

In order to gain additional data on agency engagement, inclusion and retention efforts, the OEEO implemented exit interviews. These interviews target feedback to support general workplace improvements, including intra-agency communications and workplace benefits. The interviews also invite comment on EEO concerns raised by exiting employees.

The 2021 Best Places to Work in the Federal Government rankings, administered by the nonpartisan, nonprofit Partnership for Public Service, gives leaders a way to measure employee engagement and satisfaction across the federal workforce, as well as within individual departments, agencies and their subcomponents. The FMC had an overall index score of 76.5, placing the agency 8th out of 29 Small size agencies. Additionally, the FMC achieved high scores in several category rankings, including, but not limited to: Effective Leadership (ranked #8); COVID Return to the Office (ranked #1); Work-life Balance (ranked #3); and Recognition (ranked #7).

Through investment in employee development, the FMC has risen to new challenges brought on by the pandemic and other disruptions to the workplace, as well as to the shipping industry. To support our workforce during this challenging time, FMC instituted several workplace initiatives, including full-time telework and maximum scheduling flexibilities. These flexibilities have had a positive impact on the workforce on whole and have also resulted in increased inclusion for our disabled employees and employees with caregiving responsibilities.

Federal Maritime Commission

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EXECUTIVE SUMMARY: ACCOMPLISHMENTS

Training and Leadership Development

The FMC provided numerous opportunities for employees to acquire the skills and certifications needed to succeed in their positions and to progress in their careers. The FMC provided classroom-style and e-Learning programs and offered an extensive array of learning opportunities in various areas (e.g., courses on business writing, leadership) as well as in leadership development to FMC senior leaders and non-supervisory staff.

Career Development Programs

The FMC offered two leadership development programs:

- *New Leaders Program* for GS 7-11 employees; and *Executive Leadership Program* for GS 11-13 employees.

These programs are through the Graduate School USA's *Center for Leadership and Management* located in Washington, DC.

Awards

The FMC's [Commission Order 62](#) (CO-62), *Performance and Incentive Awards*, includes an awards category for an Equal Employment Opportunity Achievement. This award is to recognize outstanding contributions to federal or non-federal activities that promote equal employment opportunity. Some examples of achievements that may merit recognition are: participation in activities within our outside of the Commission that foster equal employment opportunity in the government that have achieved positive results; promoting and/or participating in skills development activities and on-the-job training to qualify minority group members and women for higher-level positions; providing upward mobility for lower-grade and underutilized employees as evidence through promotion; creating new job opportunities for the underutilized, handicapped, or disadvantaged; providing outstanding leadership and participation in recruitment, placement, and training activities within or outside the Commission that effectively foster equal employment opportunity in Government; providing outstanding leadership in the development and implementation of an EEO action plan or activity that leads to innovation or changes and improvements in the Commission's EEO Program; providing sound guidance or counseling and prompt, effective resolution of employee discrimination complaints; or outstanding contributions made to community or cultural activities that foster equal employment opportunity, such as economic opportunity programs and improvements of housing, transportation, education, and child care facilities.

The FMC's Office of Human Resources (OHR) tracks awards received, to include Special Act Cash Awards, On-the-Spot Cash Awards, Peer-to-Peer Recognition Awards, Service Awards, Length of Service Awards, time-off awards, and any additional awards annotated in our agency policy (CO-64). This includes the employees name, award type, award amount (if applicable), reason for award, and date processed. Additionally, OHR collects information on performance awards, to include employee name and performance levels tied to performance award amounts.

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EXECUTIVE SUMMARY: PLANNED ACTIVITIES

The following activities are planned to ensure the FMC progresses towards a model EEO program. The following list summarizes the planned activities for FY 2022:

- Review quarterly applicant flow data;
- Continue to encourage managers to take affirmative steps to recruit, hire, train, and promote employees from diverse backgrounds;
- Continue and establish additional partnerships with professional and educational partners; and
- Establish additional recruitment sources to expand outreach to underserved groups and groups with low participation in FMC workforce and applicant data.

The FMC continues to lead initiatives to address diversity and inclusion efforts to impact recruitment, development, and retention through means of behavioral and social science research, benchmarking promising practices, and a commitment to recruit and retain a workforce reflective of the Nation's diversity.


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**CERTIFICATION of ESTABLISHMENT of CONTINUING
EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS**

 am the
(Insert Name Above) (Insert official
title/series/grade above)

Principal EEO Director/Official for


(Insert Agency/Component Name above)

The agency has conducted an annual self-assessment of Section 717 and Section 501 programs against the essential elements as prescribed by EEO MD-715. If an essential element was not fully compliant with the standards of EEO MD-715, a further evaluation was conducted and, as appropriate, EEO Plans for Attaining the Essential Elements of a Model EEO Program, are included with this Federal Agency Annual EEO Program Status Report.

The agency has also analyzed its work force profiles and conducted barrier analyses aimed at detecting whether any management or personnel policy, procedure or practice is operating to disadvantage any group based on race, national origin, gender or disability. EEO Plans to Eliminate Identified Barriers, as appropriate, are included with this Federal Agency Annual EEO Program Status Report.

I certify that proper documentation of this assessment is in place and is being maintained for EEOC review upon request.

Signature of Principal EEO Director/Official
Certifies that this Federal Agency Annual EEO Program Status Report is in compliance with
EEO MD-715.

Date

Signature of Agency Head or Agency Head Designee



Date

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Agency Self-Assessment Checklist



Essential Element: A Demonstrated Commitment From agency Leadership

 Compliance Indicator		Measure Has Been Met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	
 Measures	A.1. The agency issues an effective, up-to-date EEO policy statement.			N/A
A.1.a. Does the agency annually issue a signed and dated EEO policy statement on agency letterhead that clearly communicates the agency's commitment to EEO for all employees and applicants? If "Yes", please provide the annual issuance date in the comments column. [see MD-715, II(A)]		X		Statement was signed May 5, 2021 and posted to the FMC intranet. 5/5/2021
A.1.b. Does the EEO policy statement address all protected bases (age, color, disability, sex (including pregnancy, sexual orientation and gender identity), genetic information, national origin, race, religion, and reprisal) contained in the laws EEOC enforces? [see 29 CFR § 1614.101(a)] If the EEO policy statement covers any additional bases (e.g., marital status, veteran status and political affiliation), please list them in the comments column.		X		

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Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	A.2. The agency has communicated EEO policies and procedures to all employees.				
	A.2.a. Does the agency disseminate the following policies and procedures to all employees:				
	A.2.a.1. Anti-harassment policy? [see MD 715, II(A)]	X			
	A.2.a.2. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)]	X			
	A.2.b. Does the agency prominently post the following information throughout the workplace and on its public website:				
	A.2.b.1. The business contact information for its EEO Counselors, EEO Officers, Special Emphasis Program Managers, and EEO Director? [see 29 C.F.R § 1614.102(b)(7)]	X			
	A.2.b.2. Written materials concerning the EEO program, laws, policy statements, and the operation of the EEO complaint process? [see 29 CFR §1614.102(b)(5)]	X			
	A.2.b.3. Reasonable accommodation procedures? [see 29 CFR § 1614.203(d)(3)(i)] If so, please provide the internet address in the comments column.	X			https://www.fmc.gov/wp-content/uploads/2019/04/CO58.pdf
	A.2.c. Does the agency inform its employees about the following topics:				
	A.2.c.1. EEO complaint process? [see 29 CFR §§ 1614.102(a)(12) and 1614.102(b)(5)] If "yes", please provide how often and the means by which such training is delivered.	X			Annual
	A.2.c.2. ADR process? [see MD-110, Ch. 3(II)(C)] If "yes", please provide how often.	X			Annual
	A.2.c.3. Reasonable accommodation program? [see 29 CFR § 1614.203(d)(7)(ii)(C)] If "yes", please provide how often.	X			Annual
	A.2.c.4. Anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1] If "yes", please provide how often.	X			Annual
	A.2.c.5. Behaviors that are inappropriate in the workplace and could result in disciplinary action? [5 CFR §2635.101(b)] If "yes", please provide how often.	X			Annual

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Agency Self-Assessment Checklist



 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	A.3. The agency assesses and ensures EEO principles are part of its culture.	X			The FMC's Commission Order 62 (CO-62), Performance and Incentive Awards, includes an awards category for Equal Employment Opportunity Achievement. Eg... participation in activities that foster EEO in the government that have achieved positive results; promoting and/or participating in skills development activities and on-the-job training; creating new job opportunities for the underutilized, ...
	A.3.a. Does the agency provide recognition to employees, supervisors, managers and units demonstrating superior accomplishment in equal employment opportunity? [see 29 CFR § 1614.102(a)(9)] If "yes", provide one or two examples in the comments section. .				
	A.3.b. Does the agency utilize the Federal Employee Viewpoint Survey or other climate assessment tools to monitor the perception of EEO principles within the workforce? [see 5 CFR Part 250]'	X			

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Agency Self-Assessment Checklist



Essential Element: B Integration of EEO into the agency's Strategic Mission

 Compliance Indicator		Measure Has Been Met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A
 Measures	B.1. The reporting structure for the EEO program provides the principal EEO official with appropriate authority and resources to effectively carry out a successful EEO program.			
	B.1.a. Is the agency head the immediate supervisor of the person ("EEO Director") who has day-to-day control over the EEO office? [see 29 CFR §1614.102(b)(4)]	X		
	B.1.a.1. If the EEO Director does not report to the agency head, does the EEO Director report to the same agency head designee as the mission-related programmatic offices? If "yes," please provide the title of the agency head designee in the comments.			X EEO Director reports to the agency head.
	B.1.a.2. Does the agency's organizational chart clearly define the reporting structure for the EEO office? [see 29 CFR §1614.102(b)(4)]	X		
	B.1.b. Does the EEO Director have a regular and effective means of advising the agency head and other senior management officials of the effectiveness, efficiency and legal compliance of the agency's EEO program? [see 29 CFR §1614.102(c)(1); MD-715 Instructions, Sec. I]	X		
	B.1.c. During this reporting period, did the EEO Director present to the head of the agency, and other senior management officials, the "State of the agency" briefing covering the six essential elements of the model EEO program and the status of the barrier analysis process? [see MD-715 Instructions, Sec. I] If "yes", please provide the date of the briefing in the comments column.	X		The EEO Director conducts quarterly briefings for the Chairman, addressing the status of the EEO program. The following quarterly briefings were conducted for FY 2020: 11/17/20, 2/16/21, 5/18/21, 9/7/21
	B.1.d. Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)]		X	OEEEO is not part of regular senior staff meetings, but is consulted and provides input to personnel, budget, technology and other workforce issues. OEEEO is also invited to brief senior staff periodically.

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Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
B.2.a. Is the EEO Director responsible for the implementation of a continuing affirmative employment program to promote EEO and to identify and eliminate discriminatory policies, procedures, and practices? [see MD-110, Ch. 1(III)(A); 29 CFR §1614.102(c)] If not, identify the office with this authority in the comments column.		X			
B.2.b. Is the EEO Director responsible for overseeing the completion of EEO counseling? [see 29 CFR §1614.102(c)(4)]		X			
B.2.c. Is the EEO Director responsible for overseeing the fair and thorough investigation of EEO complaints? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]		X			
B.2.d. Is the EEO Director responsible for overseeing the timely issuance of final agency decisions? [see 29 CFR §1614.102(c)(5)] [This question may not be applicable for certain subordinate level components.]		X			
B.2.e. Is the EEO Director responsible for ensuring compliance with EEOC orders? [see 29 CFR §§ 1614.102(e); 1614.502]		X			
B.2.f. Is the EEO Director responsible for periodically evaluating the entire EEO program and providing recommendations for improvement to the agency head? [see 29 CFR §1614.102(c)(2)]		X			
B.2.g. If the agency has subordinate level components, does the EEO Director provide effective guidance and coordination for the components? [see 29 CFR §§ 1614.102(c)(2); (c)(3)]				X	No subordinate level components.

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Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
B.3.a. Do EEO program officials participate in agency meetings regarding workforce changes that might impact EEO issues, including strategic planning, recruitment strategies, vacancy projections, succession planning, and selections for training/career development opportunities? [see MD-715, II(B)]		X			
B.3.b. Does the agency's current strategic plan reference EEO / diversity and inclusion principles? [see MD-715, II(B)] If "yes", please identify the EEO principles in the strategic plan in the comments column.		X			Per FMC FY 2018-22 Strategic Plan: "The Commission's ability to carry out its mission and serve its customers depends on having a well-trained, highly skilled, and flexible workforce. The FMC is committed to the principles of diversity and the implementation of policies and objectives to enhance the Commission's workforce. The Commission's Office of Equal Employment Opportunity, along with...

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Agency Self-Assessment Checklist

	Compliance Indicator	B.4. The agency has sufficient budget and staffing to support the success of its EEO program.	Measure Has Been Met		N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
	Measures		Yes	No		
	B.4.a. Pursuant to 29 CFR §1614.102(a)(1), has the agency allocated sufficient funding and qualified staffing to successfully implement the EEO program, for the following areas:					
	B.4.a.1. to conduct a self-assessment of the agency for possible program deficiencies? [see MD-715, II(D)]		X			
	B.4.a.10. to effectively manage its reasonable accommodation program? [see 29 CFR §1614.203(d)(4)(ii)]		X			
	B.4.a.11. to ensure timely and complete compliance with EEOC orders? [see MD-715, II(E)]		X			
	B.4.a.2. to enable the agency to conduct a thorough barrier analysis of its workforce? [see MD-715, II(B)]		X			
	B.4.a.3. to timely, thoroughly, and fairly process EEO complaints, including EEO counseling, investigations, final agency decisions, and legal sufficiency reviews? [see 29 CFR §§ 1614.102(c)(5); 1614.105(b) – (f); MD-110, Ch. 1(IV)(D) & 5(IV); MD-715, II(E)]		X			
	B.4.a.4. to provide all supervisors and employees with training on the EEO program, including but not limited to retaliation, harassment, religious accommodations, disability accommodations, the EEO complaint process, and ADR? [see MD-715, II(B) and III(C)] If not, please identify the type(s) of training with insufficient funding in the comments column.		X			
	B.4.a.5. to conduct thorough, accurate, and effective field audits of the EEO programs in components and the field offices, if applicable? [see 29 CFR §1614.102(c)(2)]		X			
	B.4.a.6. to publish and distribute EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures)? [see MD-715, II(B)]		X			
	B.4.a.7. to maintain accurate data collection and tracking systems for the following types of data: complaint tracking, workforce demographics, and applicant flow data? [see MD-715, II(E)] If not, please identify the systems with insufficient funding in the comments section.		X			
	B.4.a.8. to effectively administer its special emphasis programs (such as, Federal Women's Program, Hispanic Employment Program, and People with Disabilities Program Manager)? [5 USC § 7201; 38 USC § 4214; 5 CFR § 720.204; 5 CFR § 213.3102(t) and (u); 5 CFR § 315.709]		X			
	B.4.a.9. to effectively manage its anti-harassment program? [see MD-715 Instructions, Sec. I; EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C. 1]		X			

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Agency Self-Assessment Checklist

B.4.b. Does the EEO office have a budget that is separate from other offices within the agency? [see 29 CFR § 1614.102(a)(1)]		X		As a small agency, the FMC does not have separate budget for program offices, with the exception of the Office of the Inspector General. Therefore, the FMC's Office of Equal Employment Opportunity's resources are included in the Commission's singular budget operating program fund. Individual office expenditures are determined by the Director, OEEO, as necessary.
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B.4.c. Are the duties and responsibilities of EEO officials clearly defined? [see MD-110, Ch. 1(III)(A), 2(III), & 6(III)]	X			
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B.4.d. Does the agency ensure that all new counselors and investigators, including contractors and collateral duty employees, receive the required 32 hours of training, pursuant to Ch. 2(II) (A) of MD-110?	X			
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B.4.e. Does the agency ensure that all experienced counselors and investigators, including contractors and collateral duty employees, receive the required 8 hours of annual refresher training, pursuant to Ch. 2(II)(C) of MD-110?	X			
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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
B.5. The agency recruits, hires, develops, and retains supervisors and managers who have effective managerial, communications, and interpersonal skills					

B.5.a. Pursuant to 29 CFR §1614.102(a)(5), have all managers and supervisors received orientation, training, and advice on their responsibilities under the following areas under the agency EEO program:				
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B.5.a.1. EEO complaint process? [see MD-715(II)(B)]	X			
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B.5.a.2. Reasonable Accommodation Procedures? [see 29 CFR § 1614.102(d)(3)]	X			
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B.5.a.3. Anti-harassment policy? [see MD-715(II)(B)]	X			
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B.5.a.4. Supervisory, managerial, communication and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications? [see MD-715, II(B)]	X			
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B.5.a.5. ADR, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR? [see MD-715(II)(E)]	X			
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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	B.6. The agency involves managers in the implementation of its EEO program.				
	B.6.a. Are senior managers involved in the implementation of Special Emphasis Programs? [see MD-715 Instructions, Sec. I]	X			
	B.6.b. Do senior managers participate in the barrier analysis process? [see MD-715 Instructions, Sec. I]	X			
	B.6.c. When barriers are identified, do senior managers assist in developing agency EEO action plans (Part I, Part J, or the Executive Summary)? [see MD-715 Instructions, Sec. I]	X			
	B.6.d. Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans? [29 CFR §1614.102(a)(5)]	X			

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Essential Element: C Management and Program Accountability

 Compliance Indicator		Measure Has Been Met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	
 Measures	C.1. The agency conducts regular internal audits of its component and field offices.			N/A
C.1.a. Does the agency regularly assess its component and field offices for possible EEO program deficiencies? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.		X		There are no subordinate level components. Field offices are included as part of the overall agency annual EEO Program Status Report.
C.1.b. Does the agency regularly assess its component and field offices on their efforts to remove barriers from the workplace? [see 29 CFR §1614.102(c)(2)] If "yes", please provide the schedule for conducting audits in the comments section.		X		There are no subordinate level components. Field offices are included as part of the overall agency annual EEO Program Status Report.
C.1.c. Do the component and field offices make reasonable efforts to comply with the recommendations of the field audit? [see MD-715, II(C)]		X		There are no subordinate level components. Field offices comply with recommendations.

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 Compliance Indicator		Measure Has Been Met			
 Measures		Yes	No	N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
	C.2. The agency has established procedures to prevent all forms of EEO discrimination.				
	C.2.a. Has the agency established comprehensive anti-harassment policy and procedures that comply with EEOC's enforcement guidance? [see MD-715, II(C); Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	X			
	C.2.a.1. Does the anti-harassment policy require corrective action to prevent or eliminate conduct before it rises to the level of unlawful harassment? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.1]	X			
	C.2.a.2. Has the agency established a firewall between the Anti-Harassment Coordinator and the EEO Director? [see EEOC Report, Model EEO Program Must Have an Effective Anti-Harassment Program (2006)]	X			
	C.2.a.3. Does the agency have a separate procedure (outside the EEO complaint process) to address harassment allegations? [see Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (Enforcement Guidance), EEOC No. 915.002, § V.C.1 (June 18, 1999)]	X			
	C.2.a.4. Does the agency ensure that the EEO office informs the anti-harassment program of all EEO counseling activity alleging harassment? [See Enforcement Guidance, V.C.]	X			
	C.2.a.5. Does the agency conduct a prompt inquiry (beginning within 10 days of notification) of all harassment allegations, including those initially raised in the EEO complaint process? [see Complainant v. Dep't of Veterans Affairs, EEOC Appeal No. 0120123232 (May 21, 2015); Complainant v. Dep't of Defense (Defense Commissary Agency), EEOC Appeal No. 0120130331 (May 29, 2015)] If "no", please provide the percentage of timely-processed inquiries in the comments column.	X			
	C.2.a.6. Do the agency's training materials on its anti-harassment policy include examples of disability-based harassment? [see 29 CFR §1614.203(d)(2)]	X			
	C.2.b. Has the agency established disability reasonable accommodation procedures that comply with EEOC's regulations and guidance? [see 29 CFR §1614.203(d)(3)]	X			
	C.2.b.1. Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations throughout the agency? [see 29 CFR §1614.203(d)(3)(D)]	X			
	C.2.b.2. Has the agency established a firewall between the Reasonable Accommodation Program Manager and the EEO Director? [see MD-110, Ch. 1(IV)(A)]	X			
	C.2.b.3. Does the agency ensure that job applicants can request and receive reasonable accommodations during the application and placement processes? [see 29 CFR §1614.203(d)(1)(ii)(B)]	X			
	C.2.b.4. Do the reasonable accommodation procedures clearly state that the agency should process the request within a maximum amount of time (e.g., 20 business days), as established by the agency in its affirmative action plan? [see 29 CFR §1614.203(d)(3)(i)(M)]	X			
	C.2.b.5. Does the agency process all initial accommodation requests, excluding ongoing interpretative services, within the time frame set forth in its reasonable accommodation procedures? [see MD-715, II(C)] If "no", please provide the percentage of timely-processed requests, excluding ongoing interpretative services, in the comments column.	X			
	C.2.c. Has the agency established procedures for processing requests for personal assistance services that comply with EEOC's regulations, enforcement guidance, and other applicable executive orders, guidance, and standards? [see 29 CFR §1614.203(d)(6)]	X			
	C.2.c.1. Does the agency post its procedures for processing requests for Personal Assistance Services on its public website? [see 29 CFR §1614.203(d)(5)(v)] If "yes", please provide the internet address in the comments column.	X			https://www.fmc.gov/wp-content/uploads/2019/04/CO58.pdf

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	Compliance Indicator	C.3. The agency evaluates managers and supervisors on their efforts to ensure equal employment opportunity.	Measure Has Been Met		N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
	Measures		Yes	No		
	C.3.a. Pursuant to 29 CFR §1614.102(a)(5), do all managers and supervisors have an element in their performance appraisal that evaluates their commitment to agency EEO policies and principles and their participation in the EEO program?		X			
	C.3.b. Does the agency require rating officials to evaluate the performance of managers and supervisors based on the following activities:					
	C.3.b.1. Resolve EEO problems/disagreements/conflicts, including the participation in ADR proceedings? [see MD-110, Ch. 3.I]		X			
	C.3.b.2. Ensure full cooperation of employees under his/her supervision with EEO officials, such as counselors and investigators? [see 29 CFR §1614.102(b)(6)]		X			
	C.3.b.3. Ensure a workplace that is free from all forms of discrimination, including harassment and retaliation? [see MD-715, II(C)]		X			
	C.3.b.4. Ensure that subordinate supervisors have effective managerial, communication, and interpersonal skills to supervise in a workplace with diverse employees? [see MD-715 Instructions, Sec. I]		X			
	C.3.b.5. Provide religious accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(7)]		X			
	C.3.b.6. Provide disability accommodations when such accommodations do not cause an undue hardship? [see 29 CFR §1614.102(a)(8)]		X			
	C.3.b.7. Support the EEO program in identifying and removing barriers to equal opportunity?. [see MD-715, II(C)]		X			
	C.3.b.8. Support the anti-harassment program in investigating and correcting harassing conduct?. [see Enforcement Guidance, V.C.2]		X			
	C.3.b.9. Comply with settlement agreements and orders issued by the agency, EEOC, and EEO-related cases from the Merit Systems Protection Board, labor arbitrators, and the Federal Labor Relations Authority? [see MD-715, II(C)]		X			
	C.3.c. Does the EEO Director recommend to the agency head improvements or corrections, including remedial or disciplinary actions, for managers and supervisors who have failed in their EEO responsibilities? [see 29 CFR §1614.102(c)(2)]		X			
	C.3.d. When the EEO Director recommends remedial or disciplinary actions, are the recommendations regularly implemented by the agency? [see 29 CFR §1614.102(c)(2)]		X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	C.4. The agency ensures effective coordination between its EEO program and Human Resources (HR) program.				
	C.4.a. Do the HR Director and the EEO Director meet regularly to assess whether personnel programs, policies, and procedures conform to EEOC laws, instructions, and management directives? [see 29 CFR §1614.102(a)(2)]	X			
	C.4.b. Has the agency established timetables/schedules to review at regular intervals its merit promotion program, employee recognition awards program, employee development/training programs, and management/personnel policies, procedures, and practices for systemic barriers that may be impeding full participation in the program by all EEO groups? [see MD-715 Instructions, Sec. I]	X			
	C.4.c. Does the EEO office have timely access to accurate and complete data (e.g., demographic data for the workforce, applicants, training programs, etc.) required to prepare the MD-715 workforce data tables? [see 29 CFR §1614.601(a)]	X			
	C.4.d. Does the HR office timely provide the EEO office with access to other data (e.g., exit interview data, climate assessment surveys, and grievance data), upon request? [see MD-715, II(C)]	X			
	C.4.e. Pursuant to Section II(C) of MD-715, does the EEO office collaborate with the HR office to:				
	C.4.e.1. Implement the Affirmative Action Plan for Individuals with Disabilities? [see 29 CFR §1614.203(d); MD-715, II(C)]	X			
	C.4.e.2. Develop and/or conduct outreach and recruiting initiatives? [see MD-715, II(C)]	X			
	C.4.e.3. Develop and/or provide training for managers and employees? [see MD-715, II(C)]	X			
	C.4.e.4. Identify and remove barriers to equal opportunity in the workplace? [see MD-715, II(C)]	X			
	C.4.e.5. Assist in preparing the MD-715 report? [see MD-715, II(C)]	X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	C.5. Following a finding of discrimination, the agency explores whether it should take a disciplinary action.				
	C.5.a. Does the agency have a disciplinary policy and/or table of penalties that covers discriminatory conduct? [see 29 CFR §1614.102(a)(6); see also Douglas v. Veterans Administration, 5 MSPR 280 (1981)]	X			
	C.5.b. When appropriate, does the agency discipline or sanction managers and employees for discriminatory conduct? [see 29 CFR §1614.102(a)(6)] If "yes", please state the number of disciplined/sanctioned individuals during this reporting period in the comments.	X			0
	C.5.c. If the agency has a finding of discrimination (or settles cases in which a finding was likely), does the agency inform managers and supervisors about the discriminatory conduct (e.g., post mortem to discuss lessons learned)? [see MD-715, II(C)]	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	C.6. The EEO office advises managers/supervisors on EEO matters.				
	C.6.a. Does the EEO office provide management/supervisory officials with regular EEO updates on at least an annual basis, including EEO complaints, workforce demographics and data summaries, legal updates, barrier analysis plans, and special emphasis updates? [see MD-715 Instructions, Sec. I] If “yes”, please identify the frequency of the EEO updates in the comments column.	X			The EEO Director meets monthly with the Chief of Staff, quarterly with the Chairman, and at least annually with Senior Leaders.
	C.6.b. Are EEO officials readily available to answer managers’ and supervisors’ questions or concerns? [see MD-715 Instructions, Sec. I]	X			

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Essential Element: D Proactive Prevention

 Compliance Indicator		Measure Has Been Met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	
 Measures	D.1. The agency conducts a reasonable assessment to monitor progress towards achieving equal employment opportunity throughout the year.			
	D.1.a. Does the agency have a process for identifying triggers in the workplace? [see MD-715 Instructions, Sec. I]	X		
	D.1.b. Does the agency regularly use the following sources of information for trigger identification: workforce data; complaint/grievance data; exit surveys; employee climate surveys; focus groups; affinity groups; union; program evaluations; special emphasis programs; and/or external special interest groups? [see MD-715 Instructions, Sec. I]	X		
	D.1.c. Does the agency conduct exit interviews or surveys that include questions on how the agency could improve the recruitment, hiring, inclusion, retention and advancement of individuals with disabilities? [see 29 CFR §1614.203(d)(1)(iii)(C)]	X		The EEO Office conducts exit interviews focused on overall retention and employee satisfaction with one general question related to EEO bases. Additionally, OHR provides OPM's contact information for SES to complete exit surveys.

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	D.2. The agency identifies areas where barriers may exclude EEO groups (reasonable basis to act.)				
	D.2.a. Does the agency have a process for analyzing the identified triggers to find possible barriers? [see MD-715, (II)(B)]	X			
	D.2.b. Does the agency regularly examine the impact of management/personnel policies, procedures, and practices by race, national origin, sex, and disability? [see 29 CFR §1614.102(a)(3)]	X			
	D.2.c. Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions, such as re-organizations and realignments? [see 29 CFR §1614.102(a)(3)]	X			
	D.2.d. Does the agency regularly review the following sources of information to find barriers: complaint/grievance data, exit surveys, employee climate surveys, focus groups, affinity groups, union, program evaluations, anti-harassment program, special emphasis programs, and/or external special interest groups? [see MD-715 Instructions, Sec. I] If "yes", please identify the data sources in the comments column.	X			The OEEO reviews the following sources: complaint/grievance data, exit surveys, employee climate surveys, affinity groups, program evaluations, anti-harassment program, special emphasis programs, reasonable accommodation program; anti-harassment program.
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	D.3. The agency establishes appropriate action plans to remove identified barriers.				
	D.3.a. Does the agency effectively tailor action plans to address the identified barriers, in particular policies, procedures, or practices? [see 29 CFR §1614.102(a)(3)]			X	No barriers have been identified.
	D.3.b. If the agency identified one or more barriers during the reporting period, did the agency implement a plan in Part I, including meeting the target dates for the planned activities? [see MD-715, II(D)]			X	No barriers have been identified.
	D.3.c. Does the agency periodically review the effectiveness of the plans? [see MD-715, II(D)]			X	No barriers have been identified.

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
D.4.a. Does the agency post its affirmative action plan on its public website? [see 29 CFR §1614.203(d)(4)] If yes, please provide the internet address in the comments.		X			https://www.fmc.gov/wp-content/uploads/2020/12/MD715AAPRepor
D.4.b. Does the agency take specific steps to ensure qualified people with disabilities are aware of and encouraged to apply for job vacancies? [see 29 CFR §1614.203(d)(1)(i)]		X			
D.4.c. Does the agency ensure that disability-related questions from members of the public are answered promptly and correctly? [see 29 CFR §1614.203(d)(1)(ii)(A)]		X			
D.4.d. Has the agency taken specific steps that are reasonably designed to increase the number of persons with disabilities or targeted disabilities employed at the agency until it meets the goals? [see 29 CFR §1614.203(d)(7)(ii)]		X			

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Essential Element: E Efficiency

 Compliance Indicator		Measure Has Been Met		For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
		Yes	No	N/A
 Measures	E.1. The agency maintains an efficient, fair, and impartial complaint resolution process.			
	E.1.a. Does the agency timely provide EEO counseling, pursuant to 29 CFR §1614.105?	X		
	E.1.b. Does the agency provide written notification of rights and responsibilities in the EEO process during the initial counseling session, pursuant to 29 CFR §1614.105(b)(1)?	X		
	E.1.c. Does the agency issue acknowledgment letters immediately upon receipt of a formal complaint, pursuant to MD-110, Ch. 5(I)?	X		
	E.1.d. Does the agency issue acceptance letters/dismissal decisions within a reasonable time (e.g., 60 days) after receipt of the written EEO Counselor report, pursuant to MD-110, Ch. 5(I)? If so, please provide the average processing time in the comments.	X		No informal EEO complaints were filed in FY 2020.
	E.1.e. Does the agency ensure that all employees fully cooperate with EEO counselors and EEO personnel in the EEO process, including granting routine access to personnel records related to an investigation, pursuant to 29 CFR §1614.102(b)(6)?	X		
	E.1.f. Does the agency timely complete investigations, pursuant to 29 CFR §1614.108?	X		
	E.1.g. If the agency does not timely complete investigations, does the agency notify complainants of the date by which the investigation will be completed and of their right to request a hearing or file a lawsuit, pursuant to 29 CFR §1614.108(g)?	X		
	E.1.h. When the complainant did not request a hearing, does the agency timely issue the final agency decision, pursuant to 29 CFR §1614.110(b)?	X		
	E.1.i. Does the agency timely issue final actions following receipt of the hearing file and the administrative judge's decision, pursuant to 29 CFR §1614.110(a)?	X		
	E.1.j. If the agency uses contractors to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays? [See MD-110, Ch. 5(V)(A)] If "yes", please describe how in the comments column.	X		Contractors are held accountable through firm deadlines and quality assurance reviews conducted by FMC prior to accepting the work product. If the product does not meet the requirements, the contract will not be paid in full.
	E.1.k. If the agency uses employees to implement any stage of the EEO complaint process, does the agency hold them accountable for poor work product and/or delays during performance review? [See MD-110, Ch. 5(V)(A)]	X		
	E.1.l. Does the agency submit complaint files and other documents in the proper format to EEOC through the Federal Sector EEO Portal (FedSEP)? [See 29 CFR § 1614.403(g)]	X		

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	Compliance Indicator		Measure Has Been Met		N/A	For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
	Measures		Yes	No		
	E.2. The agency has a neutral EEO process.					
	E.2.a. Has the agency established a clear separation between its EEO complaint program and its defensive function? [see MD-110, Ch. 1(IV)(D)] If "yes", please explain.		X			FMC ensures this clear separation by providing the EEO Office Director external legal support when needed. The EEO office is fully autonomous from the General Counsel.
	E.2.b. When seeking legal sufficiency reviews, does the EEO office have access to sufficient legal resources separate from the agency representative? [see MD-110, Ch. 1(IV)(D)] If "yes", please identify the source/ location of the attorney who conducts the legal sufficiency review in the comments column.		X			The Office of General Counsel has established a firewall, enacted by memorandum, to differentiate the EEO advisory roles within its office and in order to establish an appropriate barrier between the agency's defensive function and its role in advising the EEO office.
	E.2.c. If the EEO office relies on the agency's defensive function to conduct the legal sufficiency review, is there a firewall between the reviewing attorney and the agency representative? [see MD-110, Ch. 1(IV)(D)]		X			
	E.2.d. Does the agency ensure that its agency representative does not intrude upon EEO counseling, investigations, and final agency decisions? [see MD-110, Ch. 1(IV)(D)]		X			
	E.2.e. If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints? [see EEOC Report, Attaining a Model Agency Program: Efficiency (Dec. 1, 2004)]		X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	E.3. The agency has established and encouraged the widespread use of a fair alternative dispute resolution (ADR) program.				
	E.3.a. Has the agency established an ADR program for use during both the pre-complaint and formal complaint stages of the EEO process? [see 29 CFR §1614.102(b)(2)]	X			
	E.3.b. Does the agency require managers and supervisors to participate in ADR once it has been offered? [see MD-715, II(A)(1)]	X			
	E.3.c. Does the Agency encourage all employees to use ADR, where ADR is appropriate? [See MD-110, Ch. 3(IV)(C)]	X			
	E.3.d. Does the agency ensure a management official with settlement authority is accessible during the dispute resolution process? [see MD-110, Ch. 3(III)(A)(9)]	X			
	E.3.e. Does the agency prohibit the responsible management official named in the dispute from having settlement authority? [see MD-110, Ch. 3(I)]	X			
	E.3.f. Does the agency annually evaluate the effectiveness of its ADR program? [see MD-110, Ch. 3(II)(D)]	X			
	Compliance Indicator	Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
	Measures	Yes	No	N/A	
	E.4. The agency has effective and accurate data collection systems in place to evaluate its EEO program.				
	E.4.a. Does the agency have systems in place to accurately collect, monitor, and analyze the following data:				
	E.4.a.1. Complaint activity, including the issues and bases of the complaints, the aggrieved individuals/complainants, and the involved management official? [see MD-715, II(E)]	X			
	E.4.a.2. The race, national origin, sex, and disability status of agency employees? [see 29 CFR §1614.601(a)]	X			
	E.4.a.3. Recruitment activities? [see MD-715, II(E)]	X			
	E.4.a.4. External and internal applicant flow data concerning the applicants' race, national origin, sex, and disability status? [see MD-715, II(E)]	X			
	E.4.a.5. The processing of requests for reasonable accommodation? [29 CFR §1614.203(d)(4)]	X			
	E.4.a.6. The processing of complaints for the anti-harassment program? [see EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (1999), § V.C.2]	X			
	E.4.b. Does the agency have a system in place to re-survey the workforce on a regular basis? [MD-715 Instructions, Sec. I]	X			

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 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
E.5.a. Does the agency monitor trends in its EEO program to determine whether the agency is meeting its obligations under the statutes EEOC enforces? [see MD-715, II(E)] If "yes", provide an example in the comments.		X			The EEO Director reviews complaint data, applicant data, and has discussions with human resources and Senior Leaders to ensure the agency is meeting its obligations and to search for trends.
E.5.b. Does the agency review other agencies' best practices and adopt them, where appropriate, to improve the effectiveness of its EEO program? [see MD-715, II(E)] If "yes", provide an example in the comments.		X			Yes, the agency attends Small Agency Council AE/EEO committee meetings where small agencies share best practices, resources, training and other information to improve the effectiveness of EEO programs.
E.5.c. Does the agency compare its performance in the EEO process to other federal agencies of similar size? [see MD-715, II(E)]		X			

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Essential Element: F Responsiveness and Legal Compliance

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
F.1.a. Does the agency have a system of management controls to ensure that its officials timely comply with EEOC orders/directives and final agency actions? [see 29 CFR §1614.102(e); MD-715, II(F)]		X			
F.1.b. Does the agency have a system of management controls to ensure the timely, accurate, and complete compliance with resolutions/settlement agreements? [see MD-715, II(F)]		X			
F.1.c. Are there procedures in place to ensure the timely and predictable processing of ordered monetary relief? [see MD-715, II(F)]		X			
F.1.d. Are procedures in place to process other forms of ordered relief promptly? [see MD-715, II(F)]		X			
F.1.e. When EEOC issues an order requiring compliance by the agency, does the agency hold its compliance officer(s) accountable for poor work product and/or delays during performance review? [see MD-110, Ch. 9(IX) (H)]		X			
 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
F.2.a. Does the agency timely respond and fully comply with EEOC orders? [see 29 CFR §1614.502; MD-715, II(E)]		X			
F.2.a.1. When a complainant requests a hearing, does the agency timely forward the investigative file to the appropriate EEOC hearing office? [see 29 CFR §1614.108(g)]		X			
F.2.a.2. When there is a finding of discrimination that is not the subject of an appeal by the agency, does the agency ensure timely compliance with the orders of relief? [see 29 CFR §1614.501]		X			
F.2.a.3. When a complainant files an appeal, does the agency timely forward the investigative file to EEOC's Office of Federal Operations? [see 29 CFR §1614.403(e)]		X			
F.2.a.4. Pursuant to 29 CFR §1614.502, does the agency promptly provide EEOC with the required documentation for completing compliance?		X			

Federal Maritime Commission

For period covering October 1, 2020 to September 30, 2021

Agency Self-Assessment Checklist

 Compliance Indicator		Measure Has Been Met			For all unmet measures, provide a brief explanation in the space below or complete and attach an EEOC FORM 715-01 PART H to the agency's status report
 Measures		Yes	No	N/A	
	F.3. The agency reports to EEOC its program efforts and accomplishments.				
F.3.a. Does the agency timely submit to EEOC an accurate and complete No FEAR Act report? [Public Law 107-174 (May 15, 2002), §203(a)]		X			
F.3.b. Does the agency timely post on its public webpage its quarterly No FEAR Act data? [see 29 CFR §1614.703(d)]		X			

Essential Element: O Other

Federal Maritime Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.1

Brief Description of Program
Deficiency:

B.1.d. Does the EEO Director regularly participate in senior-level staff meetings concerning personnel, budget, technology, and other workforce issues? [see MD-715, II(B)]

Federal Maritime Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Attain Essential Elements

PART H.2

Brief Description of Program
Deficiency:

B.4.b. Does the EEO office have a budget that is separate from other offices within the agency? [see 29 CFR § 1614.102(a)(1)]

Federal Maritime Commission

For period covering October 1, 2020 to September 30, 2021

Plan to Eliminate Identified Barriers

MD-715 – Part J
Special Program Plan
for the Recruitment, Hiring, Advancement, and
Retention of Persons with Disabilities

To capture agencies' affirmative action plan for persons with disabilities (PWD) and persons with targeted disabilities (PWTD), EEOC regulations (29 C.F.R. § 1614.203(e)) and MD-715 require agencies to describe how their affirmative action plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities.

Section I: Efforts to Reach Regulatory Goals

EEOC regulations (29 CFR § 1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with disabilities and persons with targeted disabilities in the federal government

1. Using the goal of 12% as the benchmark, does your agency have a trigger involving PWD by grade level cluster in the permanent workforce? If “yes”, describe the trigger(s) in the text box.

a.Cluster GS-1 to GS-10 (PWD)	Answer	Yes
b.Cluster GS-11 to SES (PWD)	Answer	No

Table B4 shows: GS 1-10: 10 total employees, zero (0.0%) PWD, which is below the 12% benchmark, therefore there is a trigger.

*For GS employees, please use two clusters: GS-1 to GS-10 and GS-11 to SES, as set forth in 29 C.F.R. § 1614.203(d) (7). For all other pay plans, please use the approximate grade clusters that are above or below GS-11 Step 1 in the Washington, DC metropolitan region.

2. Using the goal of 2% as the benchmark, does your agency have a trigger involving PWTD by grade level cluster in the permanent workforce? If “yes”, describe the trigger(s) in the text box.

a.Cluster GS-1 to GS-10 (PWTD)	Answer	Yes
b.Cluster GS-11 to SES (PWTD)	Answer	No

Table B4 shows: GS 1-10: 10 total employees, no PWTD (below the 2% benchmark, therefore there is a trigger).

3. Describe how the agency has communicated the numerical goals to the hiring managers and/or recruiters.

In FY 2022 and in prior years, the FMC published Diversity and Inclusion Strategic Plans. The plans include objectives to utilize strategic hiring initiatives for persons with disabilities. Also in 2016, the FMC issued a Action Plan to senior leadership, hiring managers, and the Office of Human Resources stating the agency's goal to increase the overall total workforce of PWD and PWTD each year for the next five years. Since 2019 and continuing in FY 2021, the FMC has continued to communicate this target to senior leaders and hiring managers in senior leadership meetings and to individual hiring managers, during the recruitment and hiring process.

Section II: Model Disability Program

Pursuant to 29 C.F.R. § 1614.203(d)(1), agencies must ensure sufficient staff, training and resources to recruit and hire persons with disabilities and persons with targeted disabilities, administer the reasonable accommodation program and special emphasis program, and oversee any other disability hiring and advancement program the agency has in place.

A. PLAN TO PROVIDE SUFFICIENT & COMPETENT STAFFING FOR THE DISABILITY PROGRAM

1. Has the agency designated sufficient qualified personnel to implement its disability program during the reporting period? If “no”, describe the agency's plan to improve the staffing for the upcoming year.

Answer Yes

2. Identify all staff responsible for implementing the agency's disability employment program by the office, staff employment status, and responsible official.

Disability Program Task	# of FTE Staff By Employment Status			Responsible Official (Name, Title, Office Email)
	Full Time	Part Time	Collateral Duty	
Section 508 Compliance	1	0	0	Catie-Megan Moran Web Content Specialist cmoran@fmc.gov
Architectural Barriers Act Compliance	1	0	0	Katona Bryan Wade Director, Office of Management Services kbryan-wade@fmc.gov
Answering questions from the public about hiring authorities that take disability into account	1	0	0	Victoria Schenck Human Resources Specialist vschenck@fmc.gov
Special Emphasis Program for PWD and PWTD	1	0	0	Camella Woodham Director, Equal Employment Opportunity cwoodham@fmc.gov
Processing applications from PWD and PWTD	1	0	0	Courtney Killion Selective Placement Coordinator/ Director ckillion@fmc.gov
Processing reasonable accommodation requests from applicants and employees	1	0	0	Courtney Killion Director, Office of Human Resources ckillion@fmc.gov

3. Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If “yes”, describe the training that disability program staff have received. If “no”, describe the training planned for the upcoming year.

Answer Yes

In FY 2020, all Human Resources (HR) Specialists successfully completed OPM's Special Placement Program Coordinator training in order to carry out their responsibilities related to the disability program. In addition, the HR Specialists, EEO Director, and managers completed the Office of Personnel Management's online training on Schedule A.

B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM

Has the agency provided sufficient funding and other resources to successfully implement the disability program during the reporting period? If “no”, describe the agency's plan to ensure all aspects of the disability program have sufficient funding and other resources

Answer Yes

Section III: Plan to Recruit and Hire Individuals with Disabilities

Pursuant to 29 C.F.R. §1614.203(d)(1)(i) and (ii), agencies must establish a plan to increase the recruitment and hiring of individuals with disabilities. The questions below are designed to identify outcomes of the agency's recruitment program plan for PWD and PWTD

A. PLAN TO IDENTIFY JOB APPLICATIONS WITH DISABILITIES

1. Describe the programs and resources the agency uses to identify job applicants with disabilities, including individuals with targeted disabilities.

The FMC continues to utilize a variety of recruitment strategies designed to increase the number of qualified applicants with disabilities and applicants with targeted disabilities with the major occupations. The FMC utilized the following resources to identify job applicants with disabilities: OPM Shared Register of Candidates with Disabilities (Bender List), and the Workforce Recruitment Program (WRP). The WRP is a recruitment and referral program that connects federal and private sector employers with college students and recent graduates.

2. Pursuant to 29 C.F.R. §1614.203(a)(3), describe the agency's use of hiring authorities that take disability into account (e.g., Schedule A) to recruit PWD and PWTD for positions in the permanent workforce

The FMC uses Schedule A appointing authority (5 C.F.R. 213.310(2)) and 30% or More Disabled Veteran appointing authority (5 U.S.C. 3112; C.F.R. 316.302, 316.402, and 315.707) to proactively hire PWD expeditiously. FMC job announcements contain information explaining how to apply under Schedule A and other excepted service hiring authorities.

3. When individuals apply for a position under a hiring authority that takes disability into account (e.g., Schedule A), explain how the agency (1) determines if the individual is eligible for appointment under such authority; and, (2) forwards the individual's application to the relevant hiring officials with an explanation of how and when the individual may be appointed.

To determine if an applicant is eligible under Schedule A, the Office of Human Resources reviews their application package to determine if they provided the required documentation (as described in the vacancy announcement from OPM's Disability Employment Page). The documentation is reviewed for eligibility under the hiring authority. This procedure is applied when a candidate submits an application through USAJobs and/or directly to OHR. If the documentation submitted is unclear, we give tentative consideration under this hiring authority. In this case, if the individual is selected, we ask the selectee to furnish the appropriate documentation. When an applicant applies through USAJobs, we review their package for qualifications and eligibility. Those eligible and qualified under non-competitive hiring authorities are placed on a certificate of eligibles that is separate from those competitively eligible. Additionally, the OHR searches OPM's list of Persons with Disabilities (Bender) and/or any resumes we have on file. If qualified candidates are found, the resumes are forwarded to the hiring official via email for consideration.

4. Has the agency provided training to all hiring managers on the use of hiring authorities that take disability into account (e.g., Schedule A)? If "yes", describe the type(s) of training and frequency. If "no", describe the agency's plan to provide this training.

Answer Yes

The FMC provides mandatory annual training for senior leadership, hiring managers, and HR specialists to: - Promote and support employment of PWD/PWTD for all employment opportunities in the agency; - Use Schedule A authority for people with disabilities; - Use other tools available to assist hiring managers to identify qualified applicants with disabilities; and - Remain versed on the FMC's procedures for providing reasonable accommodation to job applicants and employees with disabilities.

B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS

Describe the agency's efforts to establish and maintain contacts with organizations that assist PWD, including PWTD, in securing and maintaining employment.

The Human Resources Office utilizes the Workforce Recruitment Program and the EEO Director sends recruitment announcements to disability affinity groups in an effort to identify job applicants with disabilities, including individuals with targeted disabilities.

C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

1. Using the goals of 12% for PWD and 2% for PWTD as the benchmarks, do triggers exist for PWD and/or PWTD among the new hires in the permanent workforce? If "yes", please describe the triggers below.

a. New Hires for Permanent Workforce (PWD) Answer No
b. New Hires for Permanent Workforce (PWTD) Answer No

Table B1 shows the FMC hired 16 total staff members. Three (18.75%) new hires self-identified as a PWD, which exceeds the 12% hiring goal. One (6.25%) new hire self-identified as an PWTD, which also exceeds the 2% hiring goal.

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the new hires for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for MCO (PWD) Answer Yes
b. New Hires for MCO (PWTD) Answer Yes

Using applicant flow data, including only those who self-identified, triggers exist for the following occupations of the MCOs for PWD/PWTD: PWD - Economist (0110) - Out of 37 qualified applicants, five were selected. Two of the 37 applicants were PWD. Zero PWD were selected. - Program Management (0340) - Out of 18 qualified applicants, 1 was selected. Zero of the 18 applicants were PWD. Zero PWD were selected. - General Attorney (0905) - Out of 343 qualified applicants, six were selected. Sixteen of the 343 applicants were PWD. Zero PWD were selected. PWTD - Economist (0110) - Out of 37 qualified applicants, five were selected. Zero of the 37 applicants were PWTD. Zero PWTD were selected. - Program Management (0340) - Out of 18 qualified applicants, 1 was selected. Zero of the 18 applicants were PWTD. Zero PWTD were selected. - General Attorney (0905) - Out of 343 qualified applicants, six were selected. Sixteen of the seven applicants were PWTD. Zero PWTD were selected.

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among the qualified internal applicants for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Qualified Applicants for MCO (PWD)	Answer	N/A
b. Qualified Applicants for MCO (PWTD)	Answer	N/A

Relevant applicant pool data is not available. The provided data from USA Staffing does not identify which current FMC employees would qualify for a job series they are not currently in. The OHR does not adjudicate applicant qualifications until an applicant applies for a specific position, and the applicant may qualify based on experience obtained prior to entry into their current job series, or into the FMC. The FMC has not attempted to develop an estimate for job series-relevant applicant pools, to date. Based on this, we are not attempting to tabulate relevant applicant pools for this reporting cycle.

4. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTD among employees promoted to any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Promotions for MCO (PWD)	Answer	N/A
b. Promotions for MCO (PWTD)	Answer	N/A

Relevant applicant pool data is not available. The provided data from USA Staffing does not identify which current FMC employees would qualify for a job series they are not currently in. The OHR does not adjudicate applicant qualifications until an applicant applies for a specific position, and the applicant may qualify based on experience obtained prior to entry into their current job series, or into the FMC. The FMC has not attempted to develop an estimate for job series-relevant applicant pools, to date. Based on this, we are not attempting to tabulate relevant applicant pools for this reporting cycle.

Section IV: Plan to Ensure Advancement Opportunities for Employees with Disabilities

Pursuant to 29 C.F.R. §1614.203(d)(1)(iii), agencies are required to provide sufficient advancement opportunities for employees with disabilities. Such activities might include specialized training and mentoring programs, career development opportunities, awards programs, promotions, and similar programs that address advancement. In this section, agencies should identify, and provide data on programs designed to ensure advancement opportunities for employees with disabilities.

A. ADVANCEMENT PROGRAM PLAN

Describe the agency's plan to ensure PWD, including PWTD, have sufficient opportunities for advancement.

All managers and supervisors are encouraged to promote the career development of all employees, including individuals with disabilities and individuals with targeted disabilities. FMC continued to promote opportunities through the Office of Human Resources. Through OHR, the Commission requests that each office share and encourage all employees, including employees with disabilities, to participate in career development and advancement programs.

B. CAREER DEVELOPMENT OPPORTUNITES

1. Please describe the career development opportunities that the agency provides to its employees.

The FMC continues to offer various ways for employees to further their educational goals. The Office of Human Resources (OHR) sends notices from various sources advising employees of all available training opportunities. Also, training opportunities within the employee's area of expertise are provided through the employee's individual supervisor. In FY 2018, all employees completed a Training Needs Assessments. These assessments are still being used to determine training needs. FMC employees have access to training/ career development courses by a variety of means: FMC's partnership with Skillsoft offers thousands of learning courses which can be used as quick references, as practical job aids to gain in-depth knowledge, or practice skills. These resources are aligned to support competencies, job roles, or blended learning offerings. FMC's Leadership Programs establish required and optional developmental activities throughout the year for new and seasoned leaders at all levels. FMC's partnership with the Small Agency Council, which offers a variety of courses throughout the year. All courses are open to all employees, with supervisor approval.

2. In the table below, please provide the data for career development opportunities that require competition and/or supervisory recommendation/approval to participate.

Career Development Opportunities	Total Participants		PWD		PWTD	
	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)	Applicants (#)	Selectees (#)
Coaching Programs	0	0	0	0	0	0
Mentoring Programs	0	0	0	0	0	0
Detail Programs	0	0	0	0	0	0
Fellowship Programs	0	0	0	0	0	0
Training Programs	0	0	0	0	0	0
Internship Programs	0	0	0	0	0	0
Other Career Development Programs	5	5	0	0	0	0

3. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Applicants (PWD) Answer N/A

b. Selections (PWD) Answer N/A

Detailed applicant flow data (AFD) for the career development programs identified above is not available.

4. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for the applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. Applicants (PWTD) Answer N/A

b. Selections (PWTD) Answer N/A

Detailed applicant flow data (AFD) for the career development programs identified above is not available.

C. AWARDS

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for any level of the time-off awards, bonuses, or other incentives? If "yes", please describe the trigger(s) in the text box.

a. Awards, Bonuses, & Incentives (PWD) Answer No

b. Awards, Bonuses, & Incentives (PWTD) Answer No

Data not available.

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for quality step increases or performance-based pay increases? If "yes", please describe the trigger(s) in the text box.

a. Pay Increases (PWD) Answer No

b. Pay Increases (PWTD)

Answer No

Data not available.

3. If the agency has other types of employee recognition programs, are PWD and/or PWTD recognized disproportionately less than employees without disabilities? (The appropriate benchmark is the inclusion rate.) If "yes", describe the employee recognition program and relevant data in the text box.

a. Other Types of Recognition (PWD)

Answer No

b. Other Types of Recognition (PWTD)

Answer No

D. PROMOTIONS

1. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. SES

i. Qualified Internal Applicants (PWD)

Answer No

ii. Internal Selections (PWD)

Answer No

b. Grade GS-15

i. Qualified Internal Applicants (PWD)

Answer No

ii. Internal Selections (PWD)

Answer No

c. Grade GS-14

i. Qualified Internal Applicants (PWD)

Answer No

ii. Internal Selections (PWD)

Answer No

d. Grade GS-13

i. Qualified Internal Applicants (PWD)

Answer No

ii. Internal Selections (PWD)

Answer No

Relevant applicant pool data is not available. Although all promotions are advertised to the public on USAJobs.gov, the FMC is unable to determine the percentage of qualified internal applicants by disability distribution due to limited applicant flow data available.

2. Does your agency have a trigger involving PWTD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. SES

i. Qualified Internal Applicants (PWTD)

Answer N/A

ii. Internal Selections (PWTD)

Answer N/A

b. Grade GS-15

i. Qualified Internal Applicants (PWTD)

Answer N/A

ii. Internal Selections (PWTD)

Answer N/A

c. Grade GS-14

i. Qualified Internal Applicants (PWTD)

Answer N/A

ii. Internal Selections (PWTD)

Answer N/A

d. Grade GS-13

i. Qualified Internal Applicants (PWTD)

Answer N/A

ii. Internal Selections (PWTD)

Answer N/A

Relevant applicant pool data is not available. Although all promotions are advertised to the public on USAJobs.gov, the FMC is unable to determine the percentage of qualified internal applicants by disability distribution due to limited applicant flow data available.

3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- | | | |
|-----------------------------|--------|----|
| a. New Hires to SES (PWD) | Answer | No |
| b. New Hires to GS-15 (PWD) | Answer | No |
| c. New Hires to GS-14 (PWD) | Answer | No |
| d. New Hires to GS-13 (PWD) | Answer | No |

The FMC was unable to analyze new hires for PWD as compared to the required benchmark using applicant flow data. Applicant flow data does not identify which new hires were lateral transfers from other government agencies and which ones received promotions.

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- | | | |
|------------------------------|--------|-----|
| a. New Hires to SES (PWTD) | Answer | N/A |
| b. New Hires to GS-15 (PWTD) | Answer | N/A |
| c. New Hires to GS-14 (PWTD) | Answer | N/A |
| d. New Hires to GS-13 (PWTD) | Answer | N/A |

The FMC was unable to analyze new hires for PWTD as compared to the required benchmark using applicant flow data. Applicant flow data does not identify which new hires were lateral transfers from other government agencies and which ones received promotions.

5. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- | | | |
|--|--------|-----|
| a. Executives | | |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD) | Answer | N/A |
| b. Managers | | |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD) | Answer | N/A |
| c. Supervisors | | |
| i. Qualified Internal Applicants (PWD) | Answer | N/A |
| ii. Internal Selections (PWD) | Answer | N/A |

The FMC was unable to analyze new hires for PWTD as compared to the required benchmark using applicant flow data. Applicant flow data does not identify which new hires were lateral transfers from other government agencies and which ones received promotions.

6. Does your agency have a trigger involving PWTD among the qualified internal applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If “yes”, describe the trigger(s) in the text box. Select “n/a” if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

- | | | |
|---|--------|-----|
| a. Executives | | |
| i. Qualified Internal Applicants (PWTD) | Answer | N/A |
| ii. Internal Selections (PWTD) | Answer | N/A |
| b. Managers | | |
| i. Qualified Internal Applicants (PWTD) | Answer | N/A |
| ii. Internal Selections (PWTD) | Answer | N/A |
| c. Supervisors | | |
| i. Qualified Internal Applicants (PWTD) | Answer | N/A |

Due to the limited availability of applicant flow data, the FMC is unable to identify the participation rates of disability distribution of qualified internal applicants.

7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for Executives (PWD)

Answer N/A

b. New Hires for Managers (PWD)

Answer N/A

c. New Hires for Supervisors (PWD)

Answer N/A

Due to the limited availability of applicant flow data, the FMC is unable to identify the participation rates of disability distribution of qualified internal applicants.

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box. Select "n/a" if the applicant data is not available for your agency, and describe your plan to provide the data in the text box.

a. New Hires for Executives (PWTD)

Answer N/A

b. New Hires for Managers (PWTD)

Answer N/A

c. New Hires for Supervisors (PWTD)

Answer N/A

Due to the limited availability of applicant flow data, the FMC is unable to identify the participation rates of disability distribution of qualified internal applicants.

Section V: Plan to Improve Retention of Persons with Disabilities

To be model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the reasonable accommodation program and workplace assistance services.

A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 CFR § 213.3102(u)(6)(i))? If "no", please explain why the agency did not convert all eligible Schedule A employees.

Answer N/A

In FY 2021, there were no Schedule A employees eligible to convert to competitive service.

2. Using the inclusion rate as the benchmark, did the percentage of PWD among voluntary and involuntary separations exceed that of persons without disabilities? If "yes", describe the trigger below.

a. Voluntary Separations (PWD)

Answer No

b. Involuntary Separations (PWD)

Answer No

3. Using the inclusion rate as the benchmark, did the percentage of PWTD among voluntary and involuntary separations exceed that of persons without targeted disabilities? If "yes", describe the trigger below.

a. Voluntary Separations (PWTD)

Answer No

b. Involuntary Separations (PWTD)

Answer No

4. If a trigger exists involving the separation rate of PWD and/or PWTD, please explain why they left the agency using exit interview results and other data sources.

N/A

B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES

Pursuant to 29 CFR §1614.203(d)(4), federal agencies are required to inform applicants and employees of their rights under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794(b), concerning the accessibility of agency technology, and the Architectural Barriers Act of 1968 (42 U.S.C. § 4151-4157), concerning the accessibility of agency facilities. In addition, agencies are required to inform individuals where to file complaints if other agencies are responsible for a violation.

1. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under Section 508 of the Rehabilitation Act, including a description of how to file a complaint.

<https://www.fmc.gov/about-the-fmc/accessibility-notice/>.

2. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under the Architectural Barriers Act, including a description of how to file a complaint.

<https://www.fmc.gov/about-the-fmc/accessibility-notice/>.

3. Describe any programs, policies, or practices that the agency has undertaken, or plans on undertaking over the next fiscal year, designed to improve accessibility of agency facilities and/or technology.

In FY 2021, the FMC continued to enable and allow all employees the flexibility to telework. The FMC will continue to ensure their internal and external websites comply with all facility and technological guidance.

C. REASONABLE ACCOMMODATION PROGRAM

Pursuant to 29 C.F.R. § 1614.203(d)(3), agencies must adopt, post on their public website, and make available to all job applicants and employees, reasonable accommodation procedures.

1. Please provide the average time frame for processing initial requests for reasonable accommodations during the reporting period. (Please do not include previously approved requests with repetitive accommodations, such as interpreting services.)

No RA requests during the timeframe reported, likely due to the expanded work schedules during the pandemic.

2. Describe the effectiveness of the policies, procedures, or practices to implement the agency's reasonable accommodation program. Some examples of an effective program include timely processing requests, timely providing approved accommodations, conducting training for managers and supervisors, and monitoring accommodation requests for trends.

All reasonable accommodation requests were completed in a timely manner. The only reasonable accommodation request received was for ad hoc telework.

D. PERSONAL ASSISTANCE SERVICES ALLOWING EMPLOYEES TO PARTICIPATE IN THE WORKPLACE

Pursuant to 29 CFR §1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests for PAS, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

The FMC did not receive any PAS requests in FY 2021.

Section VI: EEO Complaint and Findings Data

A. EEO COMPLAINT DATA INVOLVING HARASSMENT

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging harassment, as compared to the government-wide average?

Answer No

2. During the last fiscal year, did any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement?

Answer N/A

3. If the agency had one or more findings of discrimination alleging harassment based on disability status during the last fiscal year, please describe the corrective measures taken by the agency.

The FMC did not have any findings in FY 2021.

B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide a reasonable accommodation, as compared to the government-wide average?

Answer No

2. During the last fiscal year, did any complaints alleging failure to provide reasonable accommodation result in a finding of discrimination or a settlement agreement?

Answer N/A

3. If the agency had one or more findings of discrimination involving the failure to provide a reasonable accommodation during the last fiscal year, please describe the corrective measures taken by the agency.

The FMC did not have any findings in FY 2021.

Section VII: Identification and Removal of Barriers

Element D of MD-715 requires agencies to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice may be impeding the employment opportunities of a protected EEO group.

1. Has the agency identified any barriers (policies, procedures, and/or practices) that affect employment opportunities for PWD and/or PWTD?

Answer No

2. Has the agency established a plan to correct the barrier(s) involving PWD and/or PWTD?

Answer N/A

3. Identify each trigger and plan to remove the barrier(s), including the identified barrier(s), objective(s), responsible official(s), planned activities, and, where applicable, accomplishments

Source of the Trigger:		Workforce Data (if so identify the table)			
Specific Workforce Data Table:		Workforce Data Table - B7			
STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER: Provide a brief narrative describing the condition at issue. How was the condition recognized as a potential barrier?		Lower than expected participation rate (percentage) of PWD and PWTD in 2021 selections			
STATEMENT OF BARRIER GROUPS:		<u>Barrier Group</u> People with Disabilities People with Targeted Disabilities			
Barrier Analysis Process Completed?:		Y			
Barrier(s) Identified?:		N			
STATEMENT OF IDENTIFIED BARRIER: Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.		Barrier Name		Description of Policy, Procedure, or Practice	
Objective(s) and Dates for EEO Plan					
Date Initiated	Target Date	Sufficient Funding / Staffing?	Date Modified	Date Completed	Objective Description
Responsible Official(s)					
Title		Name		Standards Address The Plan?	
Planned Activities Toward Completion of Objective					
Target Date	Planned Activities			Sufficient Staffing & Funding?	Modified Date
09/30/2023	OEEO to discuss with OHR encouraging active discussions with hiring managers when determining area of consideration to fill vacancies.			Yes	
09/30/2023	Continue to educate hiring managers regarding available legal authorities and hiring flexibilities, including annual email reminders			Yes	
09/30/2023	Establish relationships with organizations that assist PWD in securing and maintaining employment (including local colleges, universities and professional organizations)			Yes	
Report of Accomplishments					
Fiscal Year	Accomplishments				
4. Please explain the factor(s) that prevented the agency from timely completing any of the planned activities.					

N/A

5. For the planned activities that were completed, please describe the actual impact of those activities toward eliminating the barrier(s).

N/A

6. If the planned activities did not correct the trigger(s) and/or barrier(s), please describe how the agency intends to improve the plan for the next fiscal year.

N/A